



## City of Hamilton

### CITY COUNCIL ADDENDUM

19-013

Friday, July 12, 2019, 9:30 A.M.

Council Chambers, Hamilton City Hall

71 Main Street West

---

#### 5. COMMUNICATIONS

- \*5.9 Correspondence respecting recent incidents that have occurred on City property and the Hamilton Pride 2019:
  - \*5.9.a a list of scholars registering their profound concern about the recent treatment of members of Hamilton's queer, trans and Two Spirit community
  - \*5.9.b a list of individuals expressing their strong concern and objection to the repression of queercommunity members in Hamilton
  - \*5.9.c Alix MacLean  
Recommendation: Be received and referred to the consideration of Item 14 of General Issues Report 19-013.
- \*5.10 Correspondence respecting an Order to Remove Ducks and Changes to the By-law:
  - \*5.10.a Chantal Stieler
  - \*5.10.b Lorraine Appleyard  
Recommendation: Be received and referred to the consideration of Item 6 of Public Works Report 19-010.

- \*5.11 Correspondence from Aileen Cassells, Deputy Chief, Operations, Office of the Fire Marshall and Emergency Management requesting that the City of Hamilton serve as a host community for evacuees whose health and safety has been threatened as a result of the forest fires.

Recommendation: Be received and that the City Manager be authorized to determine the City's level of participation.

## 8. NOTICES OF MOTIONS

- \*8.1 Road Safety Review and Appropriate Measures at the York Road and Newman Road Intersection
- \*8.2 Waiving of fees for the 2020 and 2021 baseball seasons for Glanbrook Slow Pitch League (Ward 11)

## 10. PRIVATE AND CONFIDENTIAL

- \*10.3 Labour Relations Matter (no copy)

Pursuant to Section 8.1, Sub-sections (b), (d), (e) and (f) of the City's Procedural By-law 18-270, and Section 239(2), Sub-sections (b) and (d) of the *Ontario Municipal Act*, 2001, as amended, as the subject matters pertain to personal matters about an identifiable individual, including City employees; labour relations or employee negotiations; litigation or potential litigation, including matters before administrative tribunals, affecting the City and the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

## 11. BY-LAWS AND CONFIRMING BY-LAW

- \*11.5 164

To Amend By-law No. 11-080, being a By-law to Prohibit Smoking within City Parks and Recreation Properties

Ward: City Wide

- \*11.6 165

To Amend Zoning By-law No. 05-200, as amended by By-law No. 17-240, respecting lands located at 50 Leavitt Boulevard, Flamborough

ZAH-19-041

Ward: 15

\*11.7 166

Being a By-law To Permanently Close and Sell a Portion of a Public Unassumed Alley abutting 102 Francis Street, established by Registered Plan 209, in the City of Hamilton, designated as Part 1 on Plan 62R-21177, being Part of PIN 17189-0305 (LT)

Ward: 3

\*11.8 167

To Adopt Official Plan Amendment to the Urban Hamilton Official Plan Respecting 305 and 311 Garner Road West (Ancaster)

Ward: 12

\*11.9 168

To Amend Zoning By-law No. 87-57 (Ancaster) Respecting Lands Located at 305 and 311 Garner Road

UHOPA-17-025

ZAC-17-058

Ward: 12

\*11.10 169

A By-law to Amend Zoning By-law No. 05-200 Respecting Lands Located at 305 and 311 Garner Road West (Ancaster)

UHOPA-17-027

ZAC-17-058

Ward: 12

\*11.11 170

A By-law to Amend By-law No. 18-199, being a By-law to Prohibit Driving School Instructing in the Restricted Areas

Ward: 4, 5

\*11.12 171

To Amend By-law No. 17-225, a By-law to Establish a System of Administrative Penalties

Table 19 – By-law 18-199 – Prohibit Drive School Instruction in the Restricted Areas

Ward: City Wide

- \*11.13 172  
Being a By-law to Appoint Hearing Officers Pursuant to the Administrative Penalty By-law No. 17-225 and to Repeal By-law No. 15-278  
Ward: City Wide
- \*11.14 173  
To Amend City of Hamilton By-law No. 10-118, as amended, being a By-law to Regulate Exterior Property Maintenance including Vegetation, Waste and Graffiti  
Ward: City Wide
- \*11.15 174  
To Amend Town of Dundas Zoning By-law No. 3581-86 Respecting Lands Located at 574 Northcliffe Avenue, Dundas  
ZAR-19-019  
Ward: 13
- \*11.16 175  
To Amend By-law No. 07-170, a By-law to License and Regulate Various Businesses  
Schedule 14 – Tree Cutting Services  
Ward: City Wide
- \*11.17 176  
Respecting Removal of Part Lot Control on Part of Block 96 Registered Plan of Subdivision 62M-1250 and Block 1 and Block 4 on Registered Plan of Subdivision 62M-1263 - Central Park – Madison, 1831 Rymal Road East  
PLC-19-010  
Ward: 9
- \*11.18 177  
Respecting Removal of Part Lot Control on Part of Block 96 on Registered Plan of Subdivision 62M-1250 - Central Park – Madison, 1831 Rymal Road East  
PLC-19-009  
Ward: 9

- \*11.19 178  
To Amend By-law no. 01-215, Being a By-law to Regulate Traffic  
Schedule 2 (Speed Limits)  
Ward: 1, 9, 11, 13
- \*11.20 179  
To Amend By-law No. 01-215, Being a By-law to Regulate Traffic  
Schedule 5 (Stop Control)  
Ward: 1, 3, 8, 13, 14
- \*11.21 180  
To Appoint the City Auditor as Auditor General Under Section 223.19 of the  
*Municipal Act, 2001*  
Ward: City Wide
- \*11.22 181  
Whistleblower By-law  
Ward: City Wide
- \*11.23 182  
To Appoint a City Clerk for the City of Hamilton (to be distributed)  
Ward: City Wide
- \*11.24 183  
To Appoint a Deputy City Clerk for the City of Hamilton
- \*11.25 184  
To Amend By-law No. 01-218, as amended, Being a By-law to Regulate On-Street  
Parking  
Schedule 13 (No Stopping Zones)  
Ward: 2

## 5.9 (a)

July 8, 2019

Dear Mayor Fred Eisenberger,

We write to you as scholars who live and work across our shared urban region - the Greater Golden Horseshoe in the territory of the Dish With One Spoon Wampum. We write to register profound concern about the recent treatment of members of Hamilton's queer, trans and Two Spirit community by your office and by the Hamilton Police Services. We are disappointed with your conduct, outraged by the unjust treatment of queer, trans and Two Spirit people, and insistent that Hamilton can and must do better.

Organized hate groups descended upon Hamilton's 2019 Pride celebrations in an attempt to intimidate and harass participants. In response, members of Hamilton's queer, trans and Two Spirit community mobilized creative tactics to physically shield pride participants and protect them from violence and hatred. Instead of supporting members of the 2SLGBTQ+ community, your office and the Hamilton police aggressively targeted and criminalized them. This is a troubling reminder of the necessity of Pride, a global movement that emerged out of the 1969 Stonewall Rebellion in which queer and trans New Yorkers, many of colour, resisted systemic police violence.

Recent events in Hamilton are also just one episode in a much larger story of marginalization of local queer, trans and Two Spirit people. As an [important June 2019 report](#) makes clear, members of Hamilton's 2SLGBTQ+ community are experiencing deepening forms of socio-economic marginalization, and harassment in public spaces and services. The report documents that 51% of respondents have experienced discrimination or harassment in outdoor public spaces and 53% of respondents have experienced harassment, violence or hate crimes at least once in Hamilton. For transgender respondents, this number was 61%. The report also highlights the lack of trust in the police; only 10% of respondents who had experienced harassment, violence or hate crimes reported the incident. 26% faced barriers or discrimination in housing, and unemployment rates are nearly twice the level of the broader population. This is unacceptable.

These are serious times and the stakes are high. The emboldening of right wing extremism can have life or death consequences for 2SLGBTQ+ people. We implore you to show responsible leadership and to choose the right path by:

1. Releasing all queer, trans and Two Spirit people incarcerated in relation to Pride events and dropping all charges against Pride defenders;
2. Consulting with Hamilton's established 2SLGBTQ+ advisory committee on ways forward;
3. Initiating discussions with your 2SLGBTQ+ advisory committee about the creation of community space.

Sincerely,

Jennifer Good, Department of Communication, Popular Culture and Film, Brock University  
David McIntosh, Professor, Digital Futures, OCAD University  
William Graham, Professor Emeritus of Philosophy, University of Toronto  
Jennifer Nedelsky, Professor, Osgoode Hall Law School, York University

Lance T. McCreedy, Department of Leadership, Higher & Adult Education, University of Toronto  
Deborah Cowen, Department of Geography & Planning, University of Toronto, Robert Nelder,  
National Seniors Advisory Council to Egale,  
Suzanne Mills, Labour Studies & Geography and Earth Sciences, McMaster University  
Ute Lehrer, Professor, Faculty of Environmental Studies, York University  
Sue Ruddick, Department of Geography & Planning, University of Toronto.  
Craig Fortier, Department of Social Development Studies, Renison University College  
Matthew Farish, Department of Geography & Planning, University of Toronto  
Patricia Wood, Department of Geography, York University  
Ranu Basu, Department of Geography, York University  
Joshua Moufawad-Paul, Department of Philosophy, York University  
Shiri Pasternak, Department of Criminology, Ryerson University  
Brett Story, School of Image Arts, Ryerson University  
Mary Nyquist, Department of English and Comparative Literature, University of Toronto  
Joseph Carens, Department of Political Science, University of Toronto  
Alissa Trotz, Caribbean Studies & Women and Gender Studies, University of Toronto  
Mark Hunter, Department of Human Geography, University of Toronto  
Elspeth Brown, Department of History, University of Toronto  
Whitney Kemble, Library, University of Toronto Scarborough  
Linda Peake, Professor, Department of Social Science, York University  
Natalie Zemon Davis, Department of History, University of Toronto  
Dana Seidler, Professor of English, Director of the Centre for Sexual Diversity Studies  
Chester Scoville, Department of English, University of Toronto  
Maureen FitzGerald, Fellow, The Mark S. Bonham Centre for Sexual Diversity Studies  
Victor Li (Emeritus), Dept. of English and Centre for Comparative Literature  
Kass Banning, Cinema Studies Institute, University of Toronto  
Rebecca Nelson, Department of Geography & Planning, University of Toronto  
Katherine McKittrick, Professor, Dept of Gender Studies, Queen's University  
Katherine Blouin, Associate Professor, Departments of Historical and Cultural Studies and of  
Classics, University of Toronto  
Natalie Oswin, Department of Geography, McGill University  
Girish Daswani, Associate Professor, Department of Anthropology, University of Toronto  
Peter Fitting, emeritus, French/Cinema Studies, University of Toronto  
E. Natalie Rothman, History, University of Toronto  
Nancy Jackson, (Emerita) OISE, University of Toronto  
Jamie Magnusson, Associate Professor, OISE, University of Toronto  
Atiqa Hachimi, Department of Historical and Cultural Studies, University of Toronto  
Rebecca Comay, Department of Philosophy and Centre for Comparative Literature , University  
of Toronto  
Stephanie Ross, Associate Professor, School of Labour Studies, McMaster University  
Sarah Wakefield, Department of Geography and Planning, University of Toronto  
Naomi Nagy, Professor, Department of Linguistics, University of Toronto  
Carolyn Prouse, Department of Geography and Planning, Queen's University  
Eva-Lynn Jagoe, Centre for Comparative Literature, University of Toronto

Karina Vernon, Associate Professor, Department of English University of Toronto Scarborough  
Peter Johnson, Associate Professor, Department of Geography and Environmental Management, University of Waterloo  
Ken Derry, Department of Historical Studies, University of Toronto  
Jo Sharma, Historical and Cultural Studies Department, University of Toronto  
Melanie Heath, Associate Professor, Department of Sociology, McMaster University  
Kanishka Goonewardena, Associate Professor, Department of Geography and Planning, University of Toronto  
Gavin Smith, Department of Anthropology, University of Toronto  
Gabrielle Moser, Assistant Professor, Faculty of Liberal Arts and Sciences & School of Interdisciplinary Studies, OCAD University  
Ebru Ustundag, Associate Professor, Department of Geography and Tourism Studies, Brock University  
Honor Ford-Smith, Associate Professor, Faculty of Environmental Studies, York University  
Tina Fetner, Associate Professor, Sociology, McMaster University  
Grace Adeniyi-Ogunyankin, Departments of Geography & Planning and Gender Studies, Queen's University  
Mariana Valverde, Professor, Centre for Criminology & Sociological Studies  
Shannon Moore, Director of Women's and Gender Studies, Associate Professor Child and Youth Studies, Brock University  
Victoria Tahmasebi-Birgani, Women and Gender Studies Program, University of Toronto Mississauga  
Margot Francis, Associate Professor, Women and Gender Studies, Brock University  
Tamara El-Hoss, Associate Professor, Modern Languages, Literatures and Cultures, Brock University  
Emily Gilbert, Professor, Director of the Canadian Studies Program, Department of Geography and Planning, University of Toronto  
Zaheer Baber, Department of Sociology, University of Toronto  
Scott Morgensen, Associate Professor, Department of Gender Studies, Queen's University  
Robyn Bourgeois, Assistant Professor, Women's and Gender Studies, Brock University  
Mary-Beth Raddon, Associate Professor, Sociology, Brock University  
Simone Weil Davis, Assistant Professor, Associate Director, Ethics, Society & Law, Trinity College, University of Toronto  
Isabelle Cochelin, Centre for Medieval Studies and Dept of History, University of Toronto  
James Deutsch, Div. of Child and Adolescent Psychiatry, University of Toronto  
David Townsend, Professor Emeritus, Centre for Medieval Studies, University of Toronto  
Edward Sammons, CDTs, University of Toronto  
Franca Iacovetta, Professor of History, University of Toronto  
Steven Tufts, Department of Geography, York University  
Lisa Boucher, Gender & Women's Studies, Trent University  
Min Sook Lee, Associate Professor, Art & Social Change, OCAD University  
Bhavani Raman, Associate Professor of History, University of Toronto  
Harriet Sonne de Torrens, Librarian, University of Toronto Mississauga  
Leanne Taylor, Associate Professor, Faculty of Education, Brock University



Luca Somigli, Professor, Dept. of Italian Studies, University of Toronto  
Gokboru Sarp Tanyildiz, Sociology Department, York University  
Michelle Buckley, Department of Human Geography, University of Toronto Scarborough  
Nancy Cook, Department of Sociology, Brock University  
Meg Luxton, School of Gender, Sexuality and Women's Studies, York University  
Luisa Sotomayor, Assistant Professor, Faculty of Environmental Studies, York University  
David Butz, Professor, Department of Geography & Tourism Studies, Brock University.  
Richard Fung, Professor, Faculty of Art, OCAD University  
Vinh Nguyen, Assistant Professor, English, University of Waterloo  
Jenny Foster, Associate Professor, Faculty of Environmental Studies, York University  
Mark Thomas, Associate Professor, Department of Sociology, York University  
Stefan Kipfer, Associate Professor, Faculty of Environmental Studies, York University  
Alexis Kyle Mitchell, PhD, Department of Geography and Planning, University of Toronto  
Janet M. Conway, PhD, Nancy's Chair in Women's Studies, Mount Saint Vincent University and  
Professor of Sociology, Brock University  
Rebecca Raby, Professor, Department of Child and Youth Studies, Brock University  
Kamala Kempadoo, Professor, Department of Social Science, York University  
Angela Henshilwood, Engineering Librarian, University of Toronto  
Nelly Cancilla, Digital Scholarship & Liaison Librarian, University of Toronto Mississauga  
Nancy Worth, Assistant Professor, Department of Geography & Environmental Management,  
University of Waterloo  
Justin Podur, Associate Professor, Faculty of Environmental Studies, York University  
Beatrice Jauregui, Assistant Professor, Centre for Criminology & Sociolegal Studies, University  
of Toronto

*Cc: Chief Eric Girt, Hamilton Police Services; Hamilton Police Services Board*

Dear Mayor Eisenberger and Hamilton City Councillors,

We are writing to express our strong concern and objection to the repression of queer community members in Hamilton following the disruption of Hamilton Pride by far right groups and religious extremists.

We are outraged that the Hamilton Police – who chose not to intervene to stop far-right extremists from disrupting Pride [1] – instead have criminalized those in the LGBTQQI2S community who stood up to and created a barrier between the intruders and the Pride attendees. In the words of former Hamilton City Councillor Matthew Green, who attended the Pride event, the "far-right evangelicals" were "just there to sucker-punch people." He further stated that he had "to commend the residents who came with the barrier," adding these people were only trying to block "vitriolic and hateful" posters.[2]

Since the disruption of Hamilton Pride, five queer community members have been arrested. Three were accused of parole violations for "participating in a public demonstration where the peace was disrupted." This charge ignores the fact that this Pride event was meant to be a celebration of the LGBTQQI2S community, not a site of protest. The blame lays clearly on the outsiders for disrupting the celebration, and the erection of a barrier was meant to stop their disruption. This victim-blaming, quite literally, is akin to charging someone with disturbing the peace for being punched in the face.

In particular, the arrest of LGBTQQI2S community member Cedar Hopperton, is especially concerning given that they were not even present at the Pride event. In the words of the Hamilton & District Labour Council, "The arrest was made, suspiciously, after Cedar made a delegation at City Hall in which she was critical of the Hamilton Police. The arrest of Cedar screams of retaliation and pettiness. Such an action is unacceptable at a leadership level. Should any of this retaliation be uncovered, we would expect resignation and/or disciplinary action of senior officers responsible for this directive." [3]

We join over 55 professors and academics at McMaster University, as well as the Hamilton and District Labour council and countless members of the LGBTQQI2S community nationally, in calling for the immediate release of Cedar Hopperton, and the halt of the repression of those defending the Pride community from hateful attacks.

Signed,

The Youth Project, Halifax

Solidarity K'jipuktuk Halifax

Nova Scotia Public Interest Group (NSPIRG)

Canadian Students for Sensible Drug Police, Dalhousie

Dr. Ardath Whynacht, Professors, Sociology, Mount Allison University

Alex Khasnabish, PhD, Associate Professor and Chair, Sociology & Anthropology, Mount Saint Vincent University

Sherry Pictou, PhD, Women's Studies (Indigenous Feminism), Mount Saint Vincent University

Dr. Roni Gechtman, Associate Professor, Department of History, Mount Saint Vincent University

Dr. Martha Walls, Associate Professor, Department of History, Mount Saint Vincent University

Michael Truscello, Associate Professor, Department of English, Mount Royal University

Liz Fitting, Associate Professor, Sociology & Social Anthropology, Dalhousie University

Dave Thomas, Associate Professor, Politics & International Relations, Mount Allison University.

Tracy Glynn, Instructor, University of New Brunswick

Edith Snook, Professor, Department of English, University of New Brunswick

Vladimir Tasic, University of New Brunswick Fredericton, Mathematics and Statistics

Reid Lodge, Grant Facilitator, UNB Office of Research Services

Tia Dafnos, Assistant Professor, Sociology, University of New Brunswick

Miriam Jones, Ph.D., Associate Professor of English at the University of New Brunswick Saint John and Westmount SS Class of '76

Susan O'Donnell, Researcher and Adjunct Professor, University of New Brunswick

Karen Pearlston, Associate Professor, Faculty of Law, UNB

Gregory S Kealey, Professor Emeritus History, University of New Brunswick

Jack Gegenberg, (Retired) Professor of Mathematics, Department of Mathematics and Statistics, University of New Brunswick

Charlie Huntley, co-owner Glittter Bean Cafe

Amanda Rekunyk CHT, Executive Director of Balanced Generations, a non-profit society (Halifax)

Ted Rutland, Associate Professor, Department of Geography, Concordia University

Thomas Waugh, Distinguished Professor Emeritus, School of Cinema, FB319, Concordia University

Mary Ellen Davis, Part-time Faculty, School of Cinema, Concordia University

David Moffette, Assistant Professor, Department of Criminology, University of Ottawa

Jennifer Henderson, Associate Professor, Department of English Language and Literature & School of Indigenous and Canadian Studies, Carleton University

Bill Skidmore, professor of Human Rights and Social Justice, Carleton University

Dr. Jacqueline Kennelly, Associate Professor, Dept of Sociology and Anthropology, Carleton University

Jeff Monaghan Carleton University, Criminology/Sociology

Sarah Brouillette, Professor, Department of English, Carleton

Marie-Eve Carrier-Moisan, Associate Professor in Anthropology, Carleton University

Alexis Shotwell, Professor, Department of Sociology and Anthropology, Carleton University.

Rena Bivens, Associate Professor, School of Journalism and Communication, Carleton University

Laura Horak, Director of the Transgender Media Portal, Associate Professor of Film Studies, School for Studies of Art and Culture, Carleton University

Gary Kinsman, Professor Emeritus, Sociology, Laurentian University

Dr. Max Haiven, Canada Research Chair in Culture, Media and Social Justice, Lakehead University

Sandra Jeppesen, Lakehead University Orillia

Irina Ceric, Criminology Instructor, Kwantlen Polytechnic University

Shiri Pasternak, Assistant Professor, Criminology, Ryerson University

Dr. Craig Fortier, Assistant Professor, Social Development Studies, Renison University College  
(University of Waterloo)

Dr. Ryan Conrad, Vice-Chair, Sexual Studies Association, SSHRC Postdoctoral fellow, Cinema and  
Media Studies, York University

Lesley Wood, Associate Professor and Chair, Dept of Sociology, York University

Catriona Sandilands, Professor, Faculty of Environmental Studies, York University

Chris Vance, PhD candidate, York University

John Greyson, filmmaker/Associate Professor, film, York University

Nick Mulé, PhD, Associate Professor, School of Social Work, Faculty of Liberal Arts and Professional  
Studies, York University

Linda Briskin, Phd, Professor Emeritus, School of Gender, Sexuality and Women's Studies, York  
University

Lisa Droogendyk, PhD, Professor of Psychology, School of Social and Life Sciences, Sheridan  
College. Oakville, Ontario

Carol Dauda, Associate Professor, Department of Political Science, University of Guelph

Dr. Natalie Kouri-Towe, Program Director, Interdisciplinary Studies in Sexuality, and Assistant  
Professor, Simone de Beauvoir Institute, Concordia University

Dror Warschawski, Associate Professor, Department of Chemistry, UQAM

E. Sandra Byers, Professor & Chair, Department of Psychology UNB; Research Fellow, Royal Society  
of Canada; Past-President, International Academy of Sex Research

Françoise Miquet, Part-time teacher in French as a second language, translator and PhD student in  
Translation Studies, Université de Montréal

Gail Vanstone, Associate Professor, Department of Humanities, Faculty of Liberal Arts & Professional  
Studies, York University

Geneviève Rail, Ph.D., Full Professor, Simone de Beauvoir Institute, Concordia University

Jim Phillips, Faculty of Law & Dept of History, University of Toronto

Laverne Jacobs, PhD, Associate Dean (Research & Graduate Studies), University of Windsor, Faculty  
of Law

Sharry Aiken, Associate Professor, Queen's University Faculty of Law

Thomas Kuttner, QC

OPIRG Toronto

LSPIRG

QT CASE - Queer Trans Community Action Support and Education

Chinese Canadian National Council Toronto Chapter

AKA Autonomous Social Centre

KW May Day

The Black Umbrella

KW Infoshop

1. This twitter testimony suggests that Hamilton Police deliberately were ineffective in de-escalating violence at Pride.

<https://twitter.com/CameronKroetsch/status/1141422010070982657>

These twitter testimonies quote a police officer at Pride as saying “don’t you remember that we weren’t invited to Pride? We’re just going to stand here. Not my problem.”

<https://twitter.com/Morethanquirks/status/1140019726904692736>

<https://twitter.com/Morethanquirks/status/1140008358780506112>

2. Carter, Adam. “'Hateful' protest at Hamilton Pride event condemned” June 15, 2019.

<https://www.cbc.ca/news/canada/hamilton/hamilton-pride-festival-altercation-police-1.5177439>

3. Halifax and District labour council statement, June 24, 2019

[https://www.facebook.com/hamiltonlabour/posts/10156549959608865?\\_\\_xts\\_\\_%5B0%5D=68.ARDSGLivW1op60XFp7XRjVcpbTrRVnN4Zrn\\_8yF2DK2UbLpzWLaV0D9Bb2MEVHslSjw68PcAEFnHQfWYTeVUlgviLzcofYJjgFJGfH7ug5DZ9nTBxRBmtTx7gG1\\_POox70KFaAhNtlivFBJgMhFeQA-2XuCKCCb-jynYWRzj6PdLf05ISV4ogKp9H-clsjWdyZpRWmNmctopU3GI2zYU-skizFGXrkp6uGWNQNoiqHupSEd2PWae6GxD35AoWpoth0OfUXywVCRENdZuENEINWwBkPbxrWtHC6H3X8dWbCtkldPgoOq3DSfGU7mP-fOy-whqif\\_AP0h9znBS&\\_\\_tn\\_\\_=K-R](https://www.facebook.com/hamiltonlabour/posts/10156549959608865?__xts__%5B0%5D=68.ARDSGLivW1op60XFp7XRjVcpbTrRVnN4Zrn_8yF2DK2UbLpzWLaV0D9Bb2MEVHslSjw68PcAEFnHQfWYTeVUlgviLzcofYJjgFJGfH7ug5DZ9nTBxRBmtTx7gG1_POox70KFaAhNtlivFBJgMhFeQA-2XuCKCCb-jynYWRzj6PdLf05ISV4ogKp9H-clsjWdyZpRWmNmctopU3GI2zYU-skizFGXrkp6uGWNQNoiqHupSEd2PWae6GxD35AoWpoth0OfUXywVCRENdZuENEINWwBkPbxrWtHC6H3X8dWbCtkldPgoOq3DSfGU7mP-fOy-whqif_AP0h9znBS&__tn__=K-R)

**Pilon, Janet**

---

**Subject:** Why did it take over 3 weeks for you to acknowledge the pain and fear of the queer community in the city you lead?

**From:** Alix MacLean

**Sent:** July 9, 2019 12:16 PM

**To:** Office of the Mayor <[mayor@hamilton.ca](mailto:mayor@hamilton.ca)>; [clerk@hamilton.ca](mailto:clerk@hamilton.ca)

**Subject:** Why did it take over 3 weeks for you to acknowledge the pain and fear of the queer community in the city you lead?

Mayor Eisenberger,

I continue to be disappointed in the city's approach to this crisis. I'm sure you're hoping that the outrage will die down and go away soon. You took far too long to do the basic decent human thing and acknowledge that a vulnerable community targeted with violence and bigotry was hurting and living in fear.

None of these fears will be allayed by criminalizing dissent. The current plan to stop hate on city property does not protect anyone, but leaves many people vulnerable to police harassment.

I have to wonder who is advising you on these issues. Your attempt to separate the community into "good queers" like Deidre Pike and "bad queers" like Cedar Hopperton is failing. The terrible handling of this situation by the city and the Hamilton police has made Hopperton into a much more sympathetic character than was necessary, but that is on you.

Your comments about supporting the police no matter what are absolutely ludicrous. Police forces everywhere need as much civilian oversight as is legally possible or they will abuse their power. Individual officers may well be good people, but as a group, given unchecked power and limited oversight, they will not serve the whole community.

I want to see more diverse people with an understanding of marginalized communities' concerns on the police board.

Hamilton has an opportunity to be a leader in the fight against bigotry and racism, but is currently revealing itself to be a reactionary, dangerous city for marginalized people. I expected more from this city.

Alix MacLean

Ward 1

**Pilon, Janet**

---

**Subject:** FW: Have a heart

**From:** chantal stieler

**Sent:** July 10, 2019 2:48 PM

**To:** Office of the City Manager <[CityManager@hamilton.ca](mailto:CityManager@hamilton.ca)>

**Subject:** Have a heart

Good day,

On my drive into work this morning I heard on the radio that a Hamilton woman has to find a new home for her two beloved ducks (and chickens?) The city of Hamilton has turned down her appeal for a "special permit" to keep her beloved fowl of 9 years, this is a sad story.

Aside from the fact that these 'fowl' are now a *part of her family*, there are many environmental/horticultural benefits to keeping ducks, chickens and geese. They do a great job of taking care of slugs and other "pests" in the garden, chemical free. They also provide one of the best organic fertilizers.

There are many municipalities in Ontario as well as other provinces in Canada along with Europe, that allow people to keep fowl on private properties, meeting the regulated requirements, and obtaining permits when deemed necessary.


We have ducks and geese in our community parks, can't we allow people to share their private property with these animals (on an appropriate scale)? Allow people to have them in their yards when the proper requirements, regulations, permits are met?

Below I've shared a link of just one example demonstrating some of the benefits of sharing our gardens and yards with fowl. I pulled this up after a quick search. There are many other sources of information available.

<https://pcei.org/living/living-com-resources/permaculture/chickens-in-permaculture/>

I hope you reconsider the decision to enforce this woman to re-home her birds.

Kind regards,

Chantal 

## 5.10 (b)

July 11, 2019

71 Main St W, Hamilton,

ON L8P 4Y5

Dear Ms. Lisa Chamberlain, Mayor Fred Eisenberger,

Thank you for the opportunity to have a final submission in my plea for clemency for my pets, Quacker and Sunny. Both these animals are domesticated ducks, and fall under the Hamilton By Law outlawing livestock.

In my submission, I outlined primarily my concerns for my older female, who is 9, so quite old, and suffering from arthritis in her leg, making her lame. My fear is her well being, both integrating with a flock, and the care and stress she may have both in relocating, and her needs with respect to her arthritis. Being lame makes it challenging for her, and puts her at risk with a pecking order in a flock, and her general well being. I believe she still has a quality of life, and have observed her condition for this. Both ducks are bonded with me, and with each other. They are truly pets.

I have had ducks as pets for many years now, and have properly managed them, and knowing that they were not allowed, have always been mindful of their care, and any disturbances that they could potentially cause. My neighbours have always enjoyed seeing them, having their children and grandchildren play with them, and they have even attended the neighbourhood school for a visit.

Their shelter is simple, a cage within a shed, and a small run. In the winter they are provided a source of heat, which they largely ignore, and I will even bring them inside during extreme cold snaps, which is most likely solely from my worry than their actual need.

In warmer months they are allowed to simply graze in the backyard. I do have a pen on a concrete run, which allows for me to hose it down and keep their area clean.

I wanted to propose an exemption or a licensing process for them. The City would be able to monitor for issues and address accordingly.

I have also had rabbits housed outside also. Having been a resident of this community for 16 years, I have always had animals outside, and have worked to be mindful and considerate of my neighbours. It is my argument that having rabbits housed outside would fall within the City by law orders, as are pot bellied pigs, and the circumstances around their care would be no



different than having two ducks. Meaning that the issues would potentially be the same. I believe I have had a good communication with my neighbours in the past, and have good relationships with those around me.

In addressing some concerns that were raised within the meeting by a neighbour of mine, I would like to be able to put a voice to that.

I had not raised this contentious issue in my meeting, because I truly believed the issue was resolved, and entirely not related to my pets. I had believed my neighbour when she on 3 occasions stated it was not her who reported my pet ducks. Stating empathically it was not her. When I tried to explore this further, it was further emphasized that it was not her, and that she swore it to be true. I was left wondering who did. I had several neighbours ask did I know who reported me, and a couple suggested it was one particular owner who lived on the adjacent street who had a history of calling the City for various infractions. In further addressing the concerns raised in the meeting, my neighbour Jen Smith came to me to inform me of the situation within her greenhouse. I was surprised by what she had shown me, which was obvious tunneling and housing of rodents. I have had a relationship with Jen due to the neighbourhood being close, and our children of similar age playing together. I wanted to assist her in this, because as a newly single mom, I felt it would have been unmanageable for her. I had asked her if she would like my husband to help her.

I had expressed concern at the time over the matter, stating that they were living in the greenhouse and probably had come for shelter during the winter. I further expressed concern in the ability for it to be cleaned, as it had a raised floor of fertilized soil that elevated it above the ground by about a foot, and had wooden partitions throughout. I had stated that it would need to be cleaned, in some way, to have the rodents kept out. And to ensure no sources of food were available. I acknowledged at that time that I had been feeding squirrels and birds along the fence line, as there are many, we have a lot of trees, and that I would further ensure that any garbage, recycle, green bin would be properly stored. We had agreed that if we worked together it would be resolved. She had addressed my animals, and I had stated at that time that the food was kept in a metal bin, housing was clean, and that I would take extra precaution during this time to ensure that this would be resolved. In addition I spoke to her neighbour, whose backyard also backs onto my property. I had advised him of the issue that Jen was experiencing. I also acknowledged my ducks at that time. He had stated to me that the recent sewer work on their street, twice in the last year, had most likely displaced the rodents, and they had taken up residence. He further stated he was not concerned about my ducks, or that they were the source, and that Hamilton had an issue with rodents. I had previously been not completely aware of this. I was aware of a resident on the West Mountain approximately two years ago, who had an issue with rats, and did not have any livestock. This bolstered my feelings around this matter. I further communicated with Jen, and offered an inspection of my property to alleviate her concerns. I had advised that I was willing to work with her on this matter, and that I was further concerned of health issues that this could have, and the risk of the rodents attacking my ducks. She was in agreement.

In the following day I received a notice from City by Law regarding my ducks. I approached Jen and asked her if this was her report, she adamantly stated no. I went to all my neighbours and asked them, they all responded no, and that they did not have an issue with my ducks. Perplexed as to what the source of the report was, I had gone back to Jen, to ask. On two more occasions she had stated that she had not, that she did not know who did. I even hugged her and told her that I believed her. I continued to work with her on her situation, stating my concerns of her greenhouse and the inability to clean it. Two days later the greenhouse was being dismantled. Once the greenhouse was dismantled, the rodent situation disappeared. I believed that this was evidence alone.

I further was open to my neighbour in all matters, including trying to get an appeal for my pet ducks. I was going to approach her to point out the fact that once the greenhouse was down, the issue disappeared. To note, I had my ducks for two more weeks due to an extension on the order. I felt that this was good evidence, and let the matter lay to rest, as I worked to try to save my pets. I did believe that Jen was not the source of the complaint, although I felt she had wanted to pinpoint me and lay blame without being open to the situation and solutions in the matter.

It had been my intention to resolve communication with Jen Stewart, and further advise her of my delegate submission. I had thought it perhaps I would advise her following, as I had been hopeful for a successful outcome. I believe that this had become a neighbour dispute as to the source of issue, and remedy for it. I maintain that I was open to helping and resolution, and further monitoring of the situation.

I have further communicated since my delegate meeting with my surrounding neighbours, who indicated a willingness to sign a statement for me, that they did not have concerns with my ducks.

I do have a petition on line that has gathered about 730 signatures. In addition to that, many phonecalls and messaging through social media in support.

I was surprised to see in the comments of the Twitter feed, that there were some that expressed having issues with rats, and they did not have ducks, or their neighbours.

I have had further private conversations regarding this, and many have stated that the change in the environment, water flooding and sewage issues, is the cause behind issues with wildlife, including having issues with coyotes in urban dwellings.

I am just trying to save my pets at this time. Outlining as openly as I can.

It is true that I understood that this was against the by law. I had always hoped that I would be able to move into the country. Financial barriers have just proven to be an obstacle.

I thank you for allowing me a final submission, Lisa Chamberlain and Mayor Fred Eisenberger.

Sincerely,

Lorraine Appleyard

**Pilon, Janet**

---

**Subject:** Evolving Fire Risks in North Western Ontario - Critical Need for Host Capacity

**Importance:** High

-----Original Message-----

From: Cassells, Aileen (SOLGEN) <Aileen.Cassells@ontario.ca>

Sent: July 10, 2019 11:17 AM

To: Office of the Mayor <mayor@hamilton.ca>; clerk@hamilton.ca

Cc: Cunliffe, Dave <David.Cunliffe@hamilton.ca>; Marples, Kirsten <Kirsten.Marples@hamilton.ca>; Mater, Grace <Grace.Mater@hamilton.ca>; PEOC Commander (MCSCS) <PEOC.Commander@ontario.ca>; PEOC Comd LO (SOLGEN) <PEOC.Comd.LO@ontario.ca>; PEOC Log Chief (SOLGEN) <PEOC.Log.Chief@ontario.ca>; Johnson, Paul <Paul.Johnson@hamilton.ca>; Verhaeghe, Connie <Connie.Verhaeghe@hamilton.ca>; Pegg, Jon (SOLGEN) <Jon.Pegg@ontario.ca>; Kainth, Aman (SOLGEN) <Aman.Kainth@ontario.ca>; PEOC Ops Chief (SOLGEN) <PEOC.Ops.Chief@ontario.ca>

Subject: Evolving Fire Risks in North Western Ontario - Critical Need for Host Capacity

Mayor Eisenberger and Clerk Pilon,

Forest fire conditions in the northwest of the Province of Ontario have increased in severity over the past 24 hours. Over 20 First Nations are at risk for smoke and ash from fires impacting the community. The Province of Ontario has committed all available capacity to accommodate evacuees and that capacity is insufficient to meet the immediate need.

We would like to formally request the support of the City of Hamilton to serve as a host community for evacuees whose health and safety has been threatened as a result of the forest fires.

Costs associated with serving as a host community will be covered by Indigenous Services Canada (ISC). We will be happy to work with you and ISC to address any questions concerning financial reimbursement.

We would be happy to answer any questions you or your staff have about serving as a host. Please send any questions or your response concerning this request to the Provincial Emergency Management Operations Centre Commander at: PEOC.Commander@ontario.ca<mailto:PEOC.Commander@ontario.ca> or via 1-866-314-0472.

We are facing an urgent situation and any support will be greatly appreciated.

Thank you very much for your consideration of this request.

Aileen

Aileen Cassells  
Deputy Chief, Operations  
Office of the Fire Marshal and Emergency Management  
Cell: 416-453-5465

# CITY OF HAMILTON

## NOTICE OF MOTION

Council Date: July 12, 2019

**MOVED BY COUNCILLOR A. VANDERBEEK .....**

**ROAD SAFETY REVIEW AND APPROPRIATE MEASURES AT THE YORK ROAD AND NEWMAN ROAD INTERSECTION**

WHEREAS, a Zoning By-law Amendment Application has been submitted for 574 Northcliffe Avenue in Dundas;

WHEREAS, the application will result in additional traffic accessing the site via York Road and Newman Road, including school bus trips;

WHEREAS, the combination of high traffic volumes, excess speeds and challenging road geometry on York Road has been a historical concern and continues to be raised as an issue by area residents, and,

WHEREAS, this area falls within the Ministry of Transportation’s Corridor Control Area and thus will require approval for any operational changes including potential signalization;

THEREFORE, BE IT RESOLVED:

- (a) That staff be directed to undertake a review the intersection and road safety at the intersection of York Road with Newman Road, identify the appropriate road safety measures and report back on the feasibility of implementation of measures;
- (b) That staff be directed to negotiate with the applicant for 574 Northcliffe Road to enter into a cost-share agreement to undertake a safety review of the impact of additional traffic and school buses resulting from the development application, and,
- (c) That staff be directed to liaise with the Ministry of Transportation to investigate options to improve traffic operations and safety along York Road in the vicinity of Newman Road.

# CITY OF HAMILTON

## NOTICE OF MOTION

Council Date: July 12, 2019

**MOVED BY COUNCILLOR B. JOHNSON.....**

**Waiving of fees for the 2020 and 2021 baseball seasons for Glanbrook Slow Pitch League (Ward 11)**

WHEREAS, the Glanbrook Slow Pitch League has played at Mount Hope Park for 25 years;

WHEREAS, overall park construction and construction of a trail adjacent to the existing outfield in 2018 led to the loss of the season for the league;

WHEREAS, 482 mm of rain fell in Mount Hope in April, May, and June of 2019, leading to standing water and saturated soils caused by the trail adjacent to the outfield acting as a water dam;

WHEREAS, ponding and severely saturated turf conditions now require the construction of two drainage outlets to be installed this summer, to alleviate the standing water and saturated soils in the southern end of the park; and,

WHEREAS, staff have indicated that the baseball diamond will not be playable this year and the Glanbrook Slow Pitch League is unable to be accommodated sufficiently by the City at other park locations;

**THEREFORE BE IT RESOLVED:**

That due to this unique set of circumstances and the league losing two full playing seasons, the yearly fee be waived for the 2020 and 2021 seasons for the Glanbrook Slow Pitch League teams at Mount Hope Park.

**Authority:** Item 6, Board of Health Report  
19-006 (BOH07034(n))  
CM: June 26, 2019  
Ward: City Wide

**Bill No. 164**

**CITY OF HAMILTON**  
**BY-LAW NO. 19-**

**To Amend By-law No. 11-080, being a By-law to Prohibit Smoking within City  
Parks and Recreation Properties**

**WHEREAS** the *Municipal Act, 2001*, and particularly sections 9, 10, and 115, authorizes the City of Hamilton to pass by-laws respecting these matters; and,

**WHEREAS** Council deems it advisable to update By-law No. 11-080 to address the use of cannabis, vaping and the *Smoke-Free Ontario Act, 2017*, which repealed and replaced the *Smoke-Free Ontario Act, 1994*.

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. Subsection 1(1) of By-law No. 11-080 is amended by adding the following:
  - (a.1) “cannabis” has the same meaning as in subsection 2(1) of the *Cannabis Act* (Canada);
  - (i) “vaporizer” means an inhalant-type device or electronic cigarette, regardless of the name of the device, that contains a power source and heating element designed to heat a substance and produce a vapour intended to be inhaled by the user of the device directly through the mouth, whether or not the vapour contains nicotine, cannabis, cannabis extract or any other intoxicating substance.
2. Subsection 1(1) of By-law No. 11-080 is amended by deleting clause (f) and adding the following:
  - (f) “smoke” includes the inhaling or holding of a lighted substance, joint, cigar, cigarette, pipe, water-pipe or any other lighted smoking equipment, and “smoking” has a corresponding meaning.
3. Subsection 1(1) of By-law No. 11-080 is amended by deleting clause (h) and adding the following:
  - (h) “vape” means inhaling or exhaling vapour from a vaporizer or holding an activated vaporizer, and “vaping” has a corresponding meaning.
4. Subsection 1(4) of By-law No. 11-080 is deleted and the following substituted:

- 1.(4) The provisions of this By-law apply even where the City grants a permit to or enters into an agreement with a person, corporation or organization for the exclusive use of all or part of a park or recreation property.
5. Section 2 is amended by adding the underlined text as follows:
  2. No person shall:
    - (a) smoke or vape tobacco or cannabis or any other substance on recreation property;
    - (b) fail to leave recreation property after authorized staff has given the person notice or direction to leave for smoking or vaping tobacco or cannabis or any other substance on recreation property; or,
    - (c) enter or use recreation property after authorized staff have prohibited the persons entry or use for smoking or vaping tobacco or cannabis or any other substance on recreation property.
6. Section 3 is amended by adding the underlined text as follows:
  3. The prohibitions in section 2 above apply whether or not a "No Smoking/No Vaping" sign of any format or content is posted.
7. Section 8 is deleted and the following substituted:
  8. Subject to section 19 of the *Smoke-Free Ontario Act, 2017* (the "Act"), in the event of a conflict between the provisions of this By-law and the Act or a regulation passed under the Act, the provision that is more restrictive of the matter to which this By-law applies prevails.
8. This By-law shall come into force on July 1, 2019.

**PASSED** this 12<sup>th</sup> day of July, 2019.

---

F. Eisenberger  
Mayor

---

J. Pilon  
Acting City Clerk



**Authority:** Item 31, Economic Development  
and Planning Committee  
Report 06-005  
CM: April 12, 2006  
Ward: 15

**Bill No. 165**

## **CITY OF HAMILTON**

### **BY-LAW NO. 19-**

#### **To Amend Zoning By-law No. 05-200, as amended by By-law 17-240, respecting lands located at 50 Leavitt Boulevard, Flamborough**

**WHEREAS** the City of Hamilton has in force several Zoning By-laws which apply to the different areas incorporated into the City by Virtue of the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap 14;

**WHEREAS** the City of Hamilton is the lawful successor to the former Municipalities, identified in Section 1.7 of By-law No. 05-200;

**WHEREAS** it is desirable to enact a new Zoning By-law to comprehensively deal with Zoning through the City;

**WHEREAS** the first stage of the new Zoning By-law, being By-law No. 05-200, came into force on the 25<sup>th</sup> day of May, 2005; and,

**WHEREAS** the Council of the City of Hamilton, in adopting Section 31 of Report 06-005 of the Planning and Economic Development Committee at its meeting held on the 12<sup>th</sup> day of April, 2006, recommended that the Director of Development and Real Estate be authorized to give notice and prepare by-laws for presentation to Council, to remove the "H" Holding provision from By-laws where the conditions have been met.

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. That Maps 518, 519, 612 & 613 appended to and forming part of By-law No. 05-200, as amended by By-law No. 17-240, is hereby further amended by changing the zoning from the District Commercial (C6, 326, H92) Zone, to the District Commercial (C6, 326) Zone, on the lands the extent and boundaries of which are shown on Schedule "A" annexed hereto and forming part of this by-law.
2. That Schedule "D" – Holding Provisions, of By-law No. 05-200, be amended by deleting Holding Provision 92.
3. That the Clerk is hereby authorized and directed to proceed with the giving of notice of

the passing of this By-law, in accordance with the *Planning Act*.

4. That no building or structure shall be erected, altered, extended, or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the District Commercial (C6, 326) Zone provisions.
5. That this By-law No. 19-165 shall come into force and be deemed to come into force in accordance with Sub-section 34(21) of the *Planning Act*, upon the date of passage of this By-law.

**PASSED** this 12<sup>th</sup> day of July, 2019.

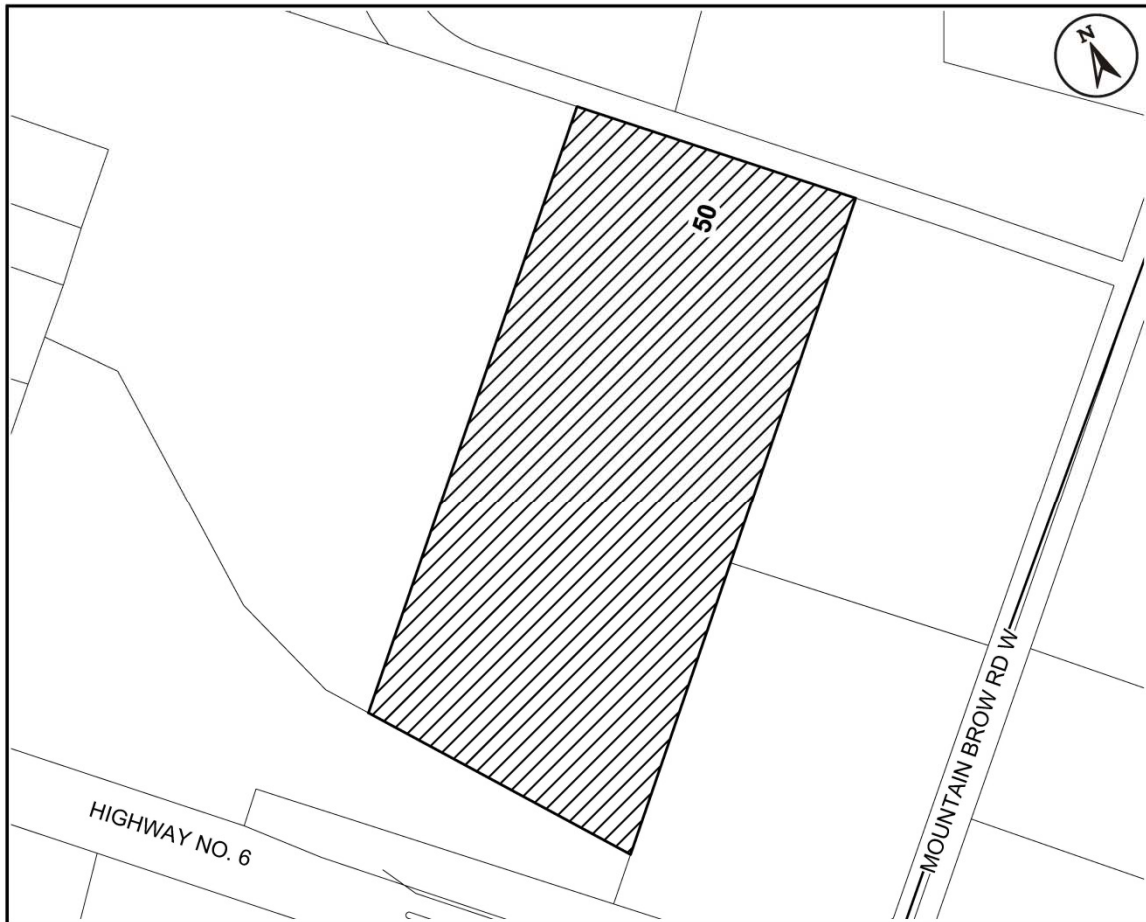
---

F. Eisenberger  
Mayor

---

J. Pilon  
Acting City Clerk

ZAH-19-041



This is Schedule "A" to By-law No. 19-  Passed the ..... day of ....., 2019	----- Mayor  ----- Clerk
---	--------------------------------------

<h2 style="margin: 0;">Schedule "A"</h2>  <h3 style="margin: 0;">Map Forming Part of By-law No. 19-_____</h3>  <p style="margin: 0;">to Amend By-law No. 05-200 Maps 518, 519, 612 &amp; 613</p>	<p><b>Subject Property</b> 50 Leavitt Boulevard</p> <p> Change in Zoning from the District Commercial (C6, 326, H92) Zone to the District Commercial (C6, 326) Zone</p>
--	---

<b>Scale:</b> N.T.S.	<b>File Name/Number:</b> ZAH-19-041	
<b>Date:</b> June 27, 2019	<b>Planner/Technician:</b> SE/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

**Authority:** Item 1, Public Works Committee  
Report 18-009 (PW18049)  
CM: June 27, 2018  
Ward: 3

**Bill No. 166**

## **CITY OF HAMILTON**

### **BY-LAW NO. 19-**

**Being a By-law To Permanently Close and Sell a Portion of a Public Unassumed Alley abutting 102 Francis Street, established by Registered Plan 209, in the City of Hamilton, designated as Part 1 on Plan 62R-21177, being Part of PIN 17189-0305 (LT)**

**WHEREAS** sections 8, 9 and 10 of the *Municipal Act, 2001* authorize the City of Hamilton to pass by-laws necessary or desirable for municipal purposes, and in particular by-laws with respect to highways; and

**WHEREAS** section 34(1) of the *Municipal Act, 2001* provides that a by-law permanently closing a highway does not take effect until a certified copy of the by-law is registered in the proper land registry office; and

**WHEREAS** highways to be closed by by-law are declared to be surplus to the needs of the City of Hamilton under the Sale of Land Policy By-law; and

**AND WHEREAS** the Council of the City of Hamilton on June 27, 2018, in adopting Item 1 of Public Works Committee Report 18-009, authorized the City of Hamilton to permanently close and sell a portion of a public unassumed alley abutting 102 Francis Street, Hamilton, Ontario, established by Registered Plan 209, in the City of Hamilton, designated as Part 1 on Plan 62R-21177, being Part of PIN 17189-0305 (LT), City of Hamilton;

**AND WHEREAS** the road is a highway under the jurisdiction of the City of Hamilton;

**AND WHEREAS** notice of the City's intention to pass this By-law has been published pursuant to the *Municipal Act, 2001*, S.O. 2001, c.25 as amended.

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. The part of the portion of a public unassumed alley set out as:

Part of Alley, Registered Plan 209, in the City of Hamilton, designated as Part 1 on Plan 62R-21177, being Part of PIN 17189-0305 (LT)

is hereby permanently closed.

2. The soil and freehold of Part 1 on Plan 62R-21177, hereby permanently closed, be sold to Adam Bentley Costello for the sum of Two Dollars (\$2.00).
3. That this by-law shall come into force and effect on the date of its registration in the Land Registry Office for the Land Titles Division of Wentworth (No. 62).

**PASSED** this 12<sup>th</sup> day of July, 2019.

---

F. Eisenberger  
Mayor

---

J. Pilon  
Acting City Clerk

**Authority:** Item 10, Planning Committee  
Report: 19-010 (PED19104)  
CM: June 26, 2019  
Ward: 12

**Bill No. 167**

**CITY OF HAMILTON**

**BY-LAW NO. 19-**

**To Adopt:**

**Official Plan Amendment No. 124 to the  
Urban Hamilton Official Plan**

**Respecting:**

**305 and 311 Garner Road West  
(Ancaster)**

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Amendment No. 124 to the Urban Hamilton Official Plan consisting of Schedule "1", hereto annexed and forming part of this by-law, is hereby adopted.

**PASSED** this 12th day of July, 2019.

---

F. Eisenberger  
Mayor

---

J. Pilon  
Acting City Clerk

## Urban Hamilton Official Plan Amendment No. 124

The following text, together with:

Appendix “A”      Volume 1, Schedule E-1 – Urban Land Use Designations  
Appendix “B”      Volume 2, Map B.2.2-1 – Shaver Neighbourhood Secondary  
Plan – Land Use Plan

attached hereto, constitutes Official Plan Amendment No. 124 to the Urban Hamilton Official Plan.

### 1.0 Purpose and Effect:

The purpose and effect of this Amendment is to amend the land use designations within the Urban Hamilton Official Plan and the Shaver Neighbourhood Secondary Plan to permit the development of a maximum of one hundred and eighteen (118) Townhouse and Maisonette Dwellings on the subject lands.

### 2.0 Location:

The lands affected by this Amendment are known municipally as 305 and 311 Garner Road West, in the former Town of Ancaster.

### 3.0 Basis:

The basis for permitting this Amendment is:

- The proposed Amendment is in keeping with the policies of the Urban Hamilton Official Plan and Shaver Neighbourhood Secondary Plan to provide a diversity of housing opportunities that are suitable for different segments of the population to make the best use of urban lands, especially along a major arterial road.
- The proposed development is considered to be consistent with, and complimentary to, the planned and existing development in the immediate area.

- The proposed Amendment is consistent with the Provincial Policy Statement, 2014 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2019.

#### 4.0 Actual Changes:

#### 4.1 Volume 1 – Parent Plan

##### 4.1.1 Schedule

That Volume 1, Schedule E-1 – Urban Land Use Designations be amended by redesignating the subject lands from “Open Space” to the “Neighbourhoods” designation, as shown on Appendix “A” attached to this Amendment.

#### 4.2 Volume 2 – Secondary Plans

##### 4.2.1 Text

- a. That Volume 2, Chapter B.2.0 – Ancaster Secondary Plans, Section B.2.2 – Shaver Neighbourhood Secondary Plan be amended by deleting Policy B.2.2.5.2 in its entirety and replaced with the following:

**“Site Specific Policy – Area B**

B.2.2.5.2 For the lands located at 305 Garner Road West, designated Low Density Residential 3a and identified as Site Specific Policy – Area B on Map B.2.2-1 – Shaver Neighbourhood – Land Use Plan, the storm water management pond shall be maintained and manicured by the Condominium Corporation to be utilized by residents as open green space, subject to detailed design.”

##### 4.2.2 Map

- a. That Volume 2, Map B.2.2-1 – Shaver Neighbourhood Secondary Plan – Land Use Plan be amended by:



- i) redesignating a portion of the subject lands from “Medium Density Residential 2a” to “Low Density Residential 3a”;
- ii) redesignating a portion of the subject lands from “Natural Open Space” to “Low Density Residential 3a”;
- iii) deleting the existing Site Specific Policy – Area B; and,
- iv) identifying lands as a new Site Specific Policy – Area B, as shown on Appendix “A”, attached to this Amendment.

**5.0 Implementation:**

An implementing Zoning By-Law Amendment and Site Plan will give effect to the intended uses on the subject lands.


This Official Plan Amendment is Schedule “1” to By-law No. 19-167 passed on the 12<sup>th</sup> day of July, 2019.

**The  
City of Hamilton**

\_\_\_\_\_  
F. Eisenberger  
MAYOR

\_\_\_\_\_  
J. Pilon  
ACTING CITY CLERK


**Appendix A**  
**APPROVED Amendment No. 124**  
**to the Urban Hamilton Official Plan**

 Lands to be redesignated from "Open Space" to "Neighbourhood"


(305 & 311 Garner Road West, Ancaster)

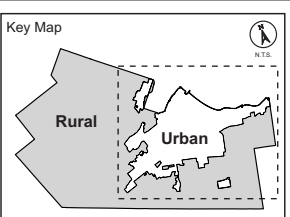
Date: July 5, 2019	Revised By: GZ/NB	Reference File No.: OPA-U-124(A)
-----------------------	----------------------	-------------------------------------

**APPEALS**

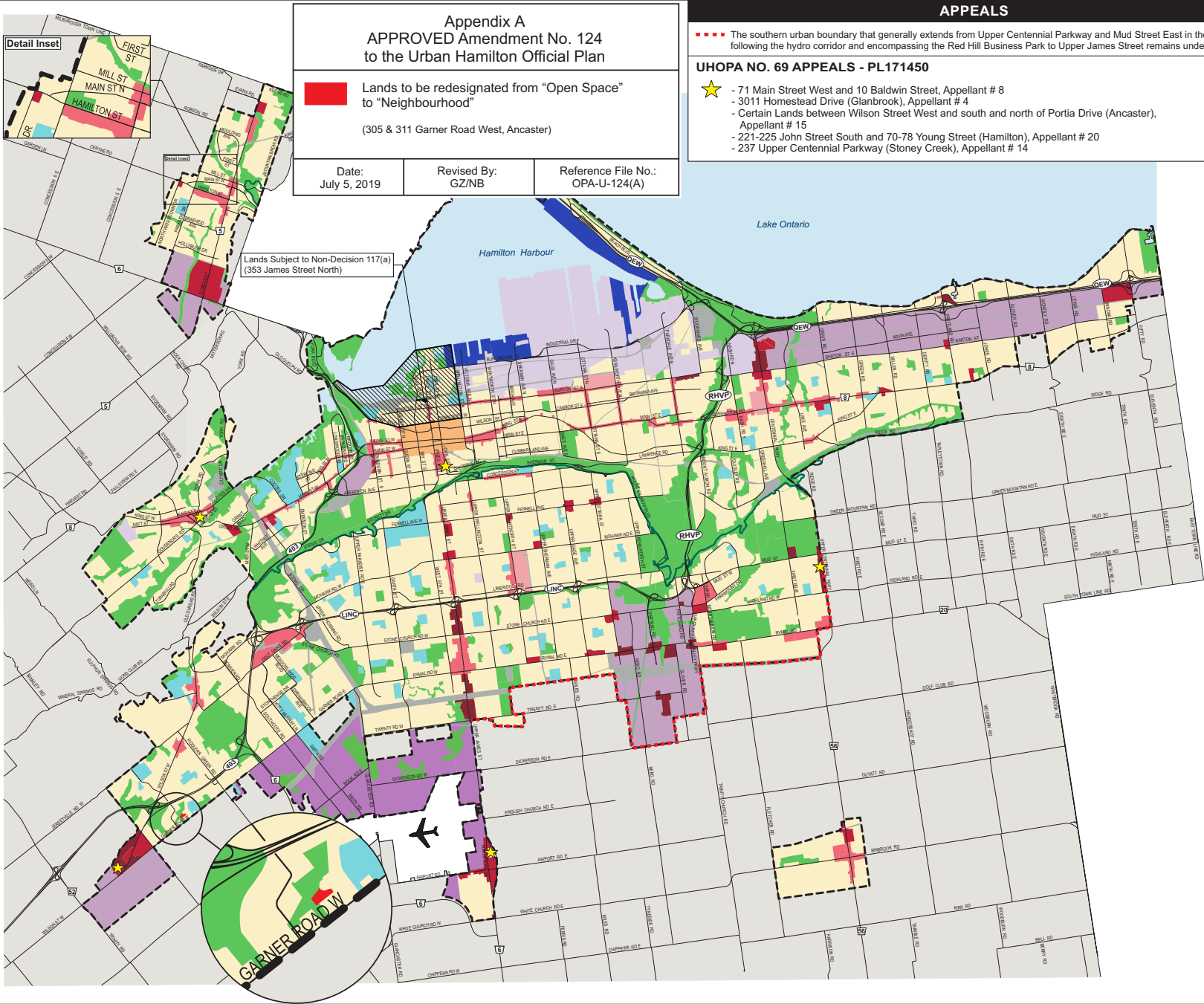
 The southern urban boundary that generally extends from Upper Centennial Parkway and Mud Street East in the east, following the hydro corridor and encompassing the Red Hill Business Park to Upper James Street remains under appeal.

**UHOPA NO. 69 APPEALS - PL171450**

-  - 71 Main Street West and 10 Baldwin Street, Appellant # 8
- 3011 Homestead Drive (Glanbrook), Appellant # 4
- Certain Lands between Wilson Street West and south and north of Portia Drive (Ancaster), Appellant # 15
- 221-225 John Street South and 70-78 Young Street (Hamilton), Appellant # 20
- 237 Upper Centennial Parkway (Stoney Creek), Appellant # 14



**Note:** For Rural Land Use Designations, refer to Schedule D of the Rural Hamilton Official Plan.



Lands Subject to Non-Decision 117(a)  
(353 James Street North)

-  Neighbourhoods
  -  Open Space
  -  Institutional
  -  Utility
- Commercial and Mixed Use Designations**
-  Downtown Mixed Use Area
  -  Mixed Use - High Density
  -  Mixed Use - Medium Density
  -  District Commercial
  -  Arterial Commercial
- Employment Area Designations**
-  Industrial Land
  -  Business Park
  -  Airport Employment Growth District
  -  Shipping & Navigation
- Other Features**
-  Rural Area
  -  John C. Munro Hamilton International Airport
  -  Niagara Escarpment
  -  Urban Boundary
  -  Municipal Boundary
  -  Lands Subject to Non Decision 113 West Harbour Setting Sail

Council Adoption: July 9, 2009  
 Ministerial Approval: March 16, 2011  
 Effective Date: August 16, 2013

**Urban Hamilton Official Plan**  
**Schedule E-1**  
**Urban Land Use Designations**



Appendix B  
**APPROVED** Amendment No. 124  
 to the Urban Hamilton Official Plan

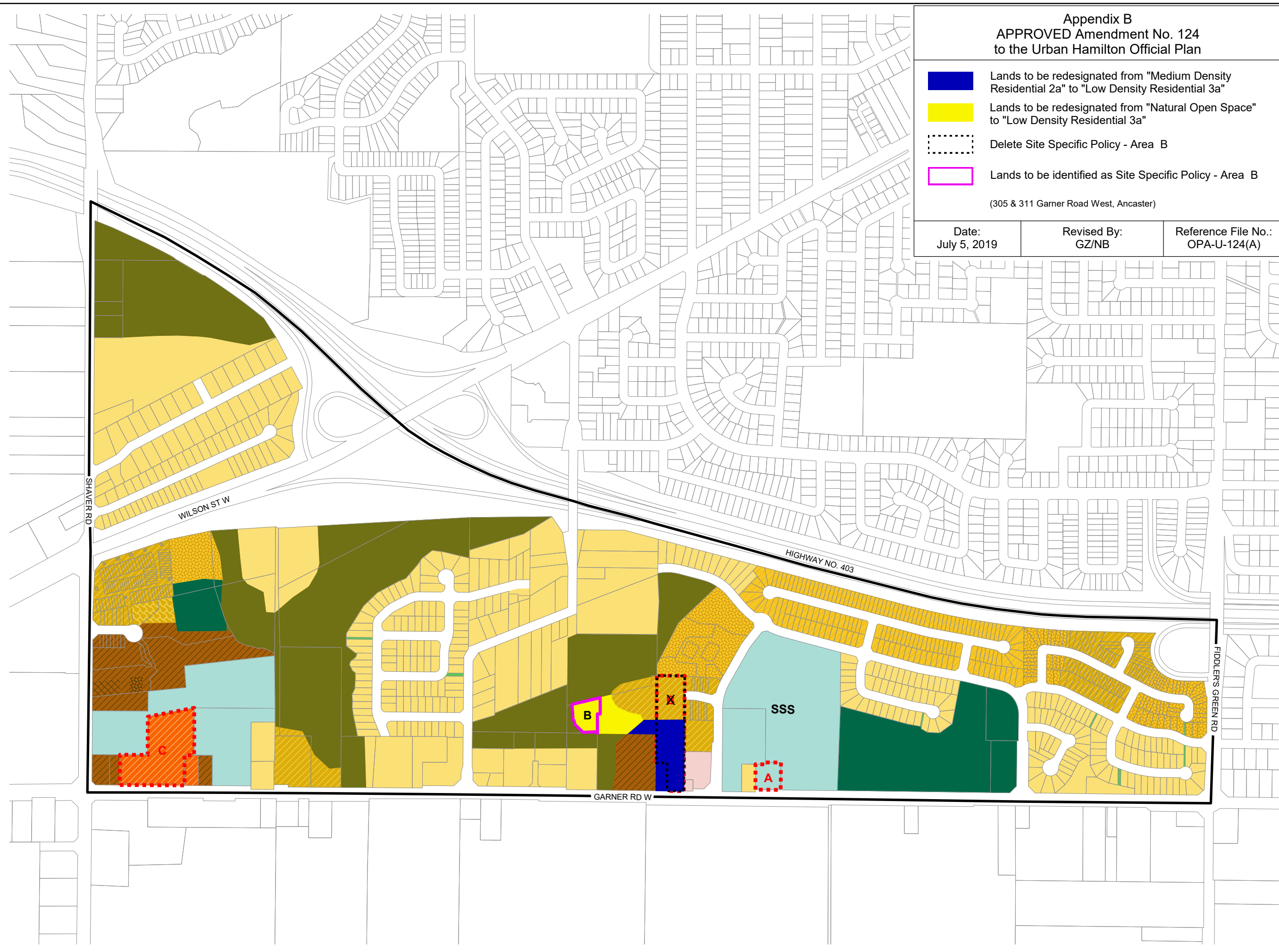
- Lands to be redesignated from "Medium Density Residential 2a" to "Low Density Residential 3a"
- Lands to be redesignated from "Natural Open Space" to "Low Density Residential 3a"
- Delete Site Specific Policy - Area B
- Lands to be identified as Site Specific Policy - Area B

(305 & 311 Garner Road West, Ancaster)

Date: July 5, 2019	Revised By: GZ/NB	Reference File No.: OPA-U-124(A)
-----------------------	----------------------	-------------------------------------

**Legend**

- Residential Designations**
- Low Density Residential 1
  - Low Density Residential 2a
  - Low Density Residential 2c
  - Low Density Residential 3a
  - Low Density Residential 3f
  - Medium Density Residential 2a
  - Medium Density Residential 2b
  - Medium Density Residential 2c
  - High Density Residential 1
- Parks and Open Space Designations**
- Neighbourhood Park
  - General Open Space
  - Natural Open Space
- Other Designations**
- Local Commercial
  - Institutional
  - SSS** Separate Secondary School
- Other Features**
- Area or Site Specific Policy
  - Secondary Plan Boundary



Council Adopted: July 9, 2009  
 Ministerial Approval: March 16, 2011  
 Effective Date: August 16, 2013

**Urban Hamilton Official Plan**  
**Shaver Neighbourhood**  
**Secondary Plan**  
 Land Use Plan  
 Map B.2.2-1



**Authority:** Item 10, Planning Committee  
Report 19-010 (PED19104)  
CM: June 26, 2019  
Ward: 12

**Bill No. 168**

## **CITY OF HAMILTON**

### **BY-LAW NO. 19-**

#### **To Amend Zoning By-law No. 87-57 (Ancaster) Respecting Lands Located at 305 and 311 Garner Road West**

**WHEREAS** the *City of Hamilton Act, 1999*, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 2001, the municipality “City of Hamilton”;

**AND WHEREAS** the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the “The Corporation of the City of Hamilton” and is the successor to the former regional municipality, namely, “The Regional Municipality of Hamilton-Wentworth”;

**AND WHEREAS** the *City of Hamilton Act, 1999* provides that the Zoning By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

**AND WHEREAS** Zoning By-law No. 87-57 (Ancaster) was enacted on the 22<sup>nd</sup> day of June, 1987, and approved by the Ontario Municipal Board on the 23<sup>rd</sup> day of January, 1989;

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item 10 of Report 19-009 of the Planning Committee at its meeting held on the 26<sup>th</sup> day of June 2019, recommended that Zoning By-law No. 87-57 (Ancaster), be amended as hereinafter provided; and,

**AND WHEREAS** this By-law will be in conformity with the Urban Hamilton Official Plan upon adoption of UHOPA No. 124;

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. That Map No. 1-B to Schedule “B”, appended to and forming part of By-law No. 87-57 (Ancaster) is amended by changing the zoning from the Agricultural (Holding) “H-A-496” Zone, Modified, Agricultural “A-216” Zone, Modified and Rural Industrial “M5-262” Zone, Modified to the Residential Multiple “RM4-700” Zone, Modified (Block 1); from the Agricultural “A-216” Zone, Modified and Rural Industrial “M5-262” Zone, Modified to the Residential Multiple “RM4-701” Zone, Modified (Block 2); from the Agricultural (Holding) “H-A-496” Zone, Modified to the Residential Multiple “RM4-702” Zone, Modified (Block 3); from the Agricultural (Holding) “H-A-496” Zone, Modified and Rural Industrial “M5-262” Zone, Modified to the Residential Multiple “RM4-703” Zone, Modified (Block 4) and from the

Agricultural (Holding) "H-A-496" Zone, Modified to the Residential Multiple "RM4-704" Zone, Modified (Block 5) on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. The Section 34: Exceptions, to Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by adding the following Sub-sections:

"RM4 – 700" (Block 1)

That notwithstanding the provisions of Section 7.11, 7.12 (d), 7.14 (a)(xii), (b), 17.1, 17.2 (b), (e), (f), (g), (h), (i), (j), (k), (m), (n) and (p) the following special provisions shall apply to the lands zoned "RM4-700":

#### PERMITTED USES

- (a) Street Townhouse and Multi-plex dwellings and uses, buildings and structures accessory thereto shall also be permitted.

#### REGULATIONS

- |     |                             |  |
|-----|-----------------------------|--|
| (a) | Maximum Density:            | 44 dwelling units per hectare.   |
| (b) | Minimum Front Yard:         | 3.9 metres to the front façade from Garner Road West.  |
| (c) | Maximum Lot Coverage:       | 35 %   |
| (d) | Minimum Easterly Side Yard: | 2.0 metres.  |
| (e) | Maximum Height:             | 14 metres.   |
| (f) | Planting Strip:             | A planting strip of 2 metres shall be required adjacent to a commercial use and between an internal road and a side lot line.  |
| (g) | Minimum Landscaping:        | 20 %   |
| (h) | Minimum Privacy Area:       | 9 square metres per unit.  |
| (i) | Parking:                    | i. For each block townhouse and multi-plex dwelling there shall be a minimum of 2 parking spaces one of which must be contained within an attached garage, plus 0.26 visitor parking spaces. |

- ii. A parallel parking space shall have minimum width of 2.5 metres and a minimum length of 6.5 metres.

(j) Children’s Play Area: A curbed children’s outside play area that is a minimum of 800 square metres shall be provided and maintained on site.

(k) Building Separation: Any townhouse building shall be no closer to another townhouse building on the same lot in accordance with the following distance requirements:

	Front Façade	Rear Wall	End Wall
Front Façade	18.0 m	18.0 m	14.0 m
Rear Wall	18.0 m	0 m (multi-plex units) 15.0 m (Block townhouse units)	7.0 m
End Wall	14.0 m	7.0 m	2.7 m

(l) For the purpose of this By-law, the lot line abutting Garner Road West, shall be deemed to be the front lot line. The easterly side lot line shall be the lot line with the dimension of 252.90 metres in length and the westerly side lot line shall be the lot line with the dimension of 124.530 metres in length. All of the remaining lot lines are rear lot lines and have the following dimensions: 197.17 metres; 60.0 metres; 190.44 metres; 22.0 metres and 73.17 metres (northerly lot boundary).

(m) For the purpose of this By-law, the boundary of the Residential Multiple “RM4-700” Zone shall be deemed to be one lot the lot lines and the regulations of the “RM4-700” Zone shall be from the external boundaries of this zone, and not from the individual property boundaries of the dwelling units created by registration of a draft plan of subdivision / condominium plan or created by Part Lot Control.

“RM4-701” (Block 2)

REGULATIONS

That notwithstanding the provisions of Sections 9.3(a), 17.2 (g) and (j), and in addition to the regulations of the “RM4-700” Zone, the following special provisions shall apply to the lands zoned “RM4-701”:

- (a) Minimum setback for a central air conditioning unit, window air conditioning unit or heat pump from the front lot line: 1.5 metres.
- (b) Maximum permitted encroachment for front yard porch (along Garner Road West): 1.6 metres.
- (c) Minimum Westerly Side Yard: 12.0 metres.
- (d) Minimum Easterly Side Yard: 2.0 metres.

“RM4-702” (Block 3)

REGULATIONS

That notwithstanding the provisions of Section 17.2 (g) and in addition to the regulations of the “RM4-700” Zone, the following special provisions shall apply to the lands zoned “RM4-702”:

- (a) Minimum Rear Yard: 4 metres.

“RM4-703” (Block 4)

REGULATIONS

That notwithstanding the provisions of Section 17.2 (g) and in addition to the regulations of the “RM4-700” Zone, the following special provisions shall apply to the lands zoned “RM4-703”:

- (a) Minimum Rear Yard: 1.5 metres.

“RM4-704” (Block 5)

REGULATIONS

That notwithstanding the provisions of Sections 7.20, 17.2 (g) and in addition to the regulations of the “RM4-700” Zone, the following special provisions shall apply to the lands zoned “RM4-704”:

- (a) Minimum Rear Yard: 1.3 metres.
3. That no building or structure shall be erected, altered, extended, or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Residential Multiple “RM4” Zone provisions, subject to the special requirements referred to in Section 2 of this By-law.
  4. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the *Planning Act*.

**PASSED** this 12th day of July, 2019.

---

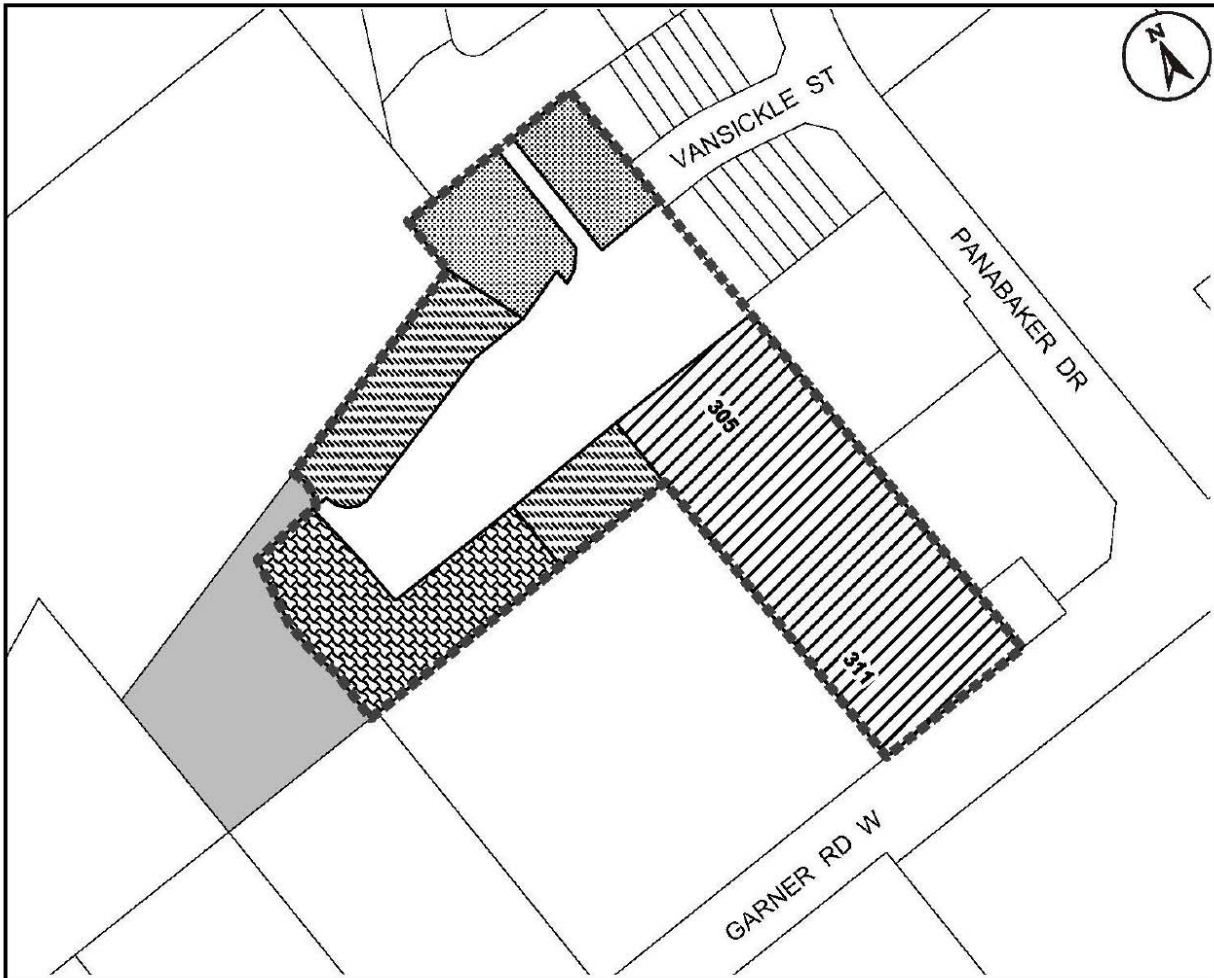
F. Eisenberger  
Mayor

---

J.Pilon  
Acting City Clerk

UHOPA-17-025  
ZAC-17-058





This is Schedule "A" to By-law No. 19-  
 Passed the ..... day of ....., 2019

-----  
 Mayor

-----  
 Clerk

**Schedule "A"**

Map Forming Part of  
 By-law No. 19-\_\_\_\_

to Amend By-law No. 87-57

**Subject Property**  
 305 and 311 Garner Road West

- Block 1 - Change in zoning from Agricultural (Holding) "H-A-496" Zone, Modified, Agricultural "A-216" Zone, Modified and Rural Industrial "M5-262" Zone, Modified to Residential Multiple "RM4-700" Zone, Modified
- ▨▨▨▨ Block 2 - Change in zoning from the Agricultural "A-216" Zone, Modified and Rural Industrial "M5-262" Zone, Modified to Residential Multiple "RM4-701" Zone, Modified
- ▩▩▩▩ Block 3 - Change in zoning from the Agricultural (Holding) "H-A-496" Zone, Modified to Residential Multiple "RM4-702" Zone, Modified
- ▧▧▧▧ Block 4 - Change in zoning from the Agricultural (Holding) "H-A-496" Zone, Modified and Rural Industrial "M5-262" Zone, Modified to Residential Multiple "RM4-703" Zone, Modified
- ▦▦▦▦ Block 5 - Change in zoning from the Agricultural (Holding) "H-A-496" Zone, Modified to Residential Multiple "RM4-704" Zone, Modified

■ Lands to be added to Zoning By-law No. 05-200

Scale: N.T.S.	File Name/Number: ZAC-17-058 & UHOPA-17-25	
Date: April 30, 2019	Planner/Technician: GZ/NB	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

Hamilton

**Authority:** Item 10, Planning Committee Report  
19-010 (PED19104)  
CM: June 26, 2019  
Ward: 12

**Bill No. 169**

## **CITY OF HAMILTON**

### **BY-LAW NO. 19-**

#### **A By-law to Amend Zoning By-law No. 05-200 Respecting Lands Located at 305 and 311 Garner Road West (Ancaster)**

**WHEREAS** Council approved Item 10 of Report 19-009 of the Planning Committee, at its meeting held on June 18<sup>th</sup>, 2019;

**AND WHEREAS** this By-law conforms to the Urban Hamilton Official Plan upon adoption of UHOPA No.124;

**NOW THEREFORE** Council enacts as follows:

1. That Map Nos. 1385 and 1436 of Schedule “A” – Zoning Maps, of Zoning By-law No. 05-200, be amended as follows:
  - a. by adding to the City of Hamilton Zoning By-law No. 05-200, the lands the extent and boundaries of which are shown as Schedule “A” to this By-law; and,
  - b. by establishing a Conservation / Hazard Land (P5, 719) Zone, to the lands the extent and boundaries of which are shown as Schedule “A” to this By-law.
2. That Schedule “C” – Special Exceptions, of By-law No. 05-200 is hereby amended by adding an additional exception as follows:

“719 Within the lands zoned Conservation / Hazard Land (P5) Zone, identified on Map Nos. 1385 and 1436 of Schedule “A’ – Zoning Maps and described as 305 and 311 Garner Road West, the following special provision shall apply:

  - a) Notwithstanding Subsection 4.23 d), all buildings or structures located on a property shall be setback a minimum of 0.0 metres from a P5, P7 and P8 Zone Boundary.

3. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.

**PASSED** this 12<sup>th</sup> day of July, 2019.

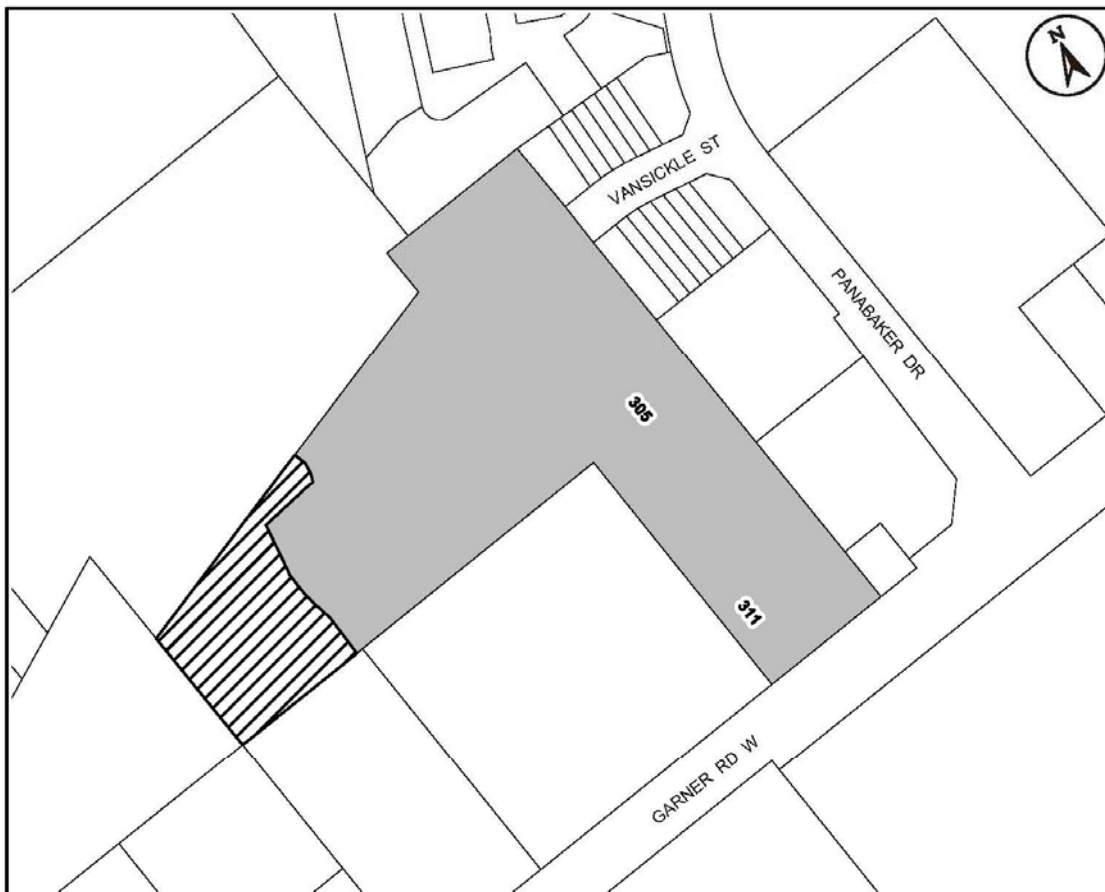
---

F. Eisenberger  
Mayor

---

J. Pilon  
Acting City Clerk

UHOPA-17-025  
ZAC-16-058



This is Schedule "A" to By-law No. 19-  Passed the ..... day of ....., 2019	----- Mayor  ----- Clerk
---	--------------------------------------

<h2 style="margin: 0;">Schedule "A"</h2> <p style="margin: 10px 0 0 0;">Map Forming Part of By-law No. 19-_____</p> <p style="margin: 10px 0 0 0;">to Amend By-law No. 05-200 Maps 1385 &amp; 1436</p>		<p><b>Subject Property</b> 305 and 311 Garner Road West</p> <p> Lands added to Zoning By-law No. 05-200 and zoned Conservation / Hazard Land (P5, 719) Zone</p> <p> Refer to By-law No. 87-57</p>
Scale: N.T.S.	File Name/Number: ZAC-17-058 & UHOPA-17-25	<p><b>Hamilton</b></p>
Date: June 20, 2019	Planner/Technician: GZ/NB	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

**Authority:** Item 1, Planning Committee  
Report 19-011 (PED17179(c))  
CM: July 12, 2019  
Ward: 4, 5

**Bill No. 170**

## **CITY OF HAMILTON**

### **BY-LAW NO. 19-**

#### **A By-law to amend By-law No. 18-199, being a By-law to Prohibit Driving School Instructing in the Restricted Areas**

WHEREAS, pursuant to subsection 8.(1) of the Municipal Act, 2001, the powers of a municipality shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues; and

WHEREAS, Council for the City of Hamilton considers it desirable to regulate and govern the training of persons by a Driving School Instructor in designated restricted areas;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Appendix "1" is hereby deleted and substituted with Appendix "1" as attached hereto.

**PASSED** this 12th day of July , 2019

---

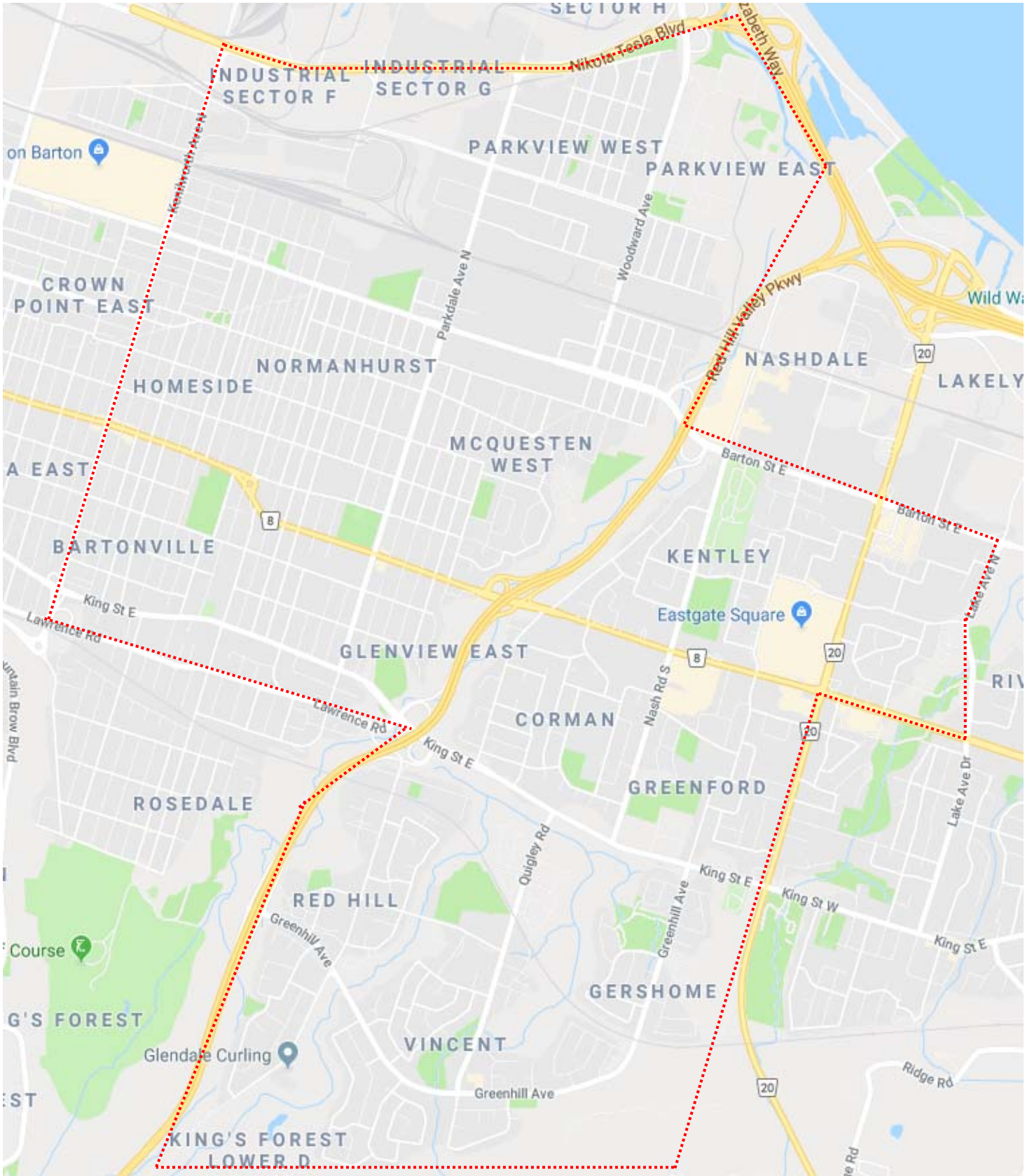
F. Eisenberger  
Mayor

---

J. Pilon  
Acting City Clerk

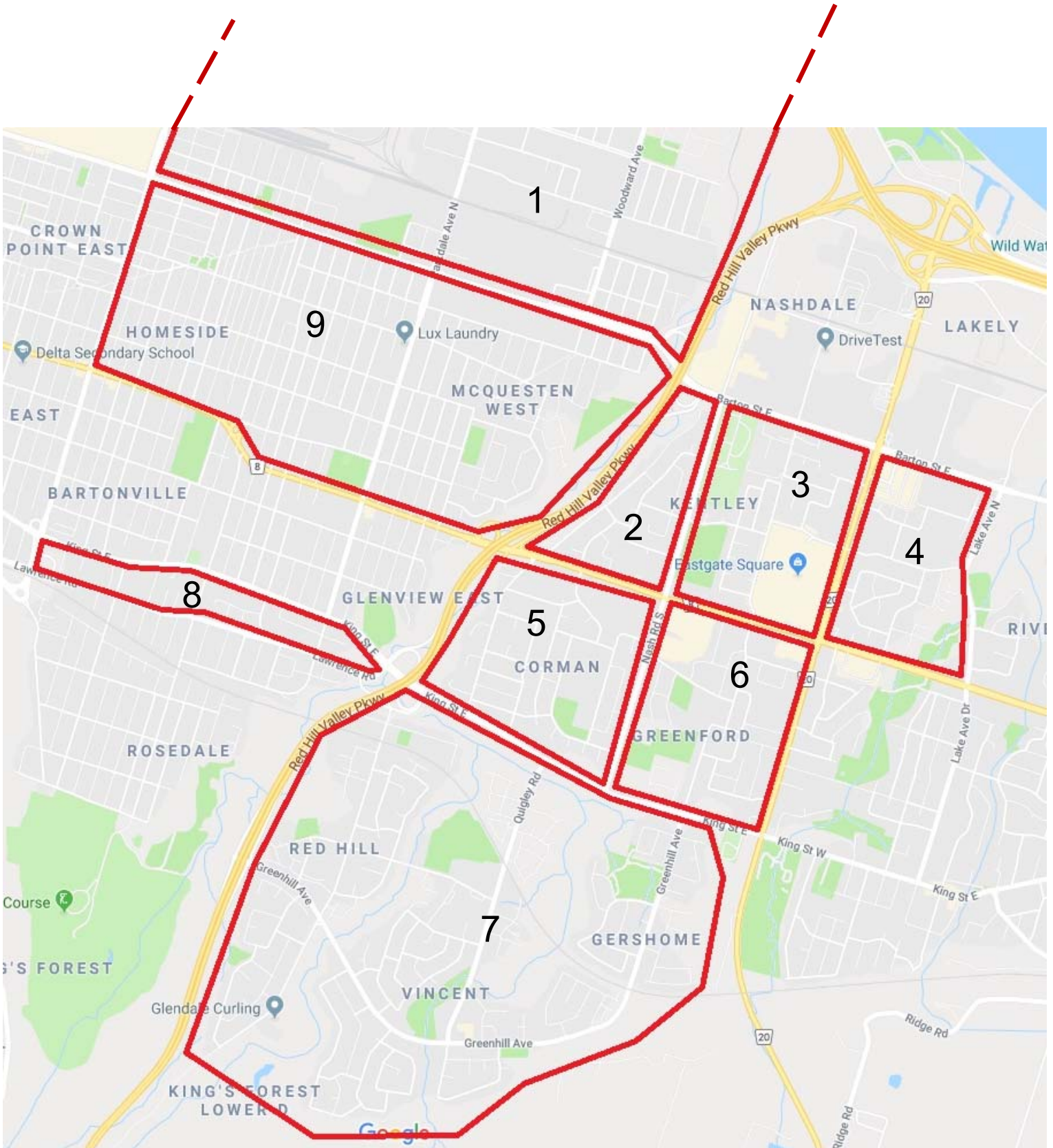
**Wards 4 and 5 Restricted Areas**

**Appendix "1"**



**Wards 4 and 5 Restricted Areas**

**Appendix "1"**



**Authority:** Item 1, Planning Committee  
Report 19-011 (PED17179(c))  
CM: July 12, 2019  
Ward: City Wide

**Bill No. 171**

**CITY OF HAMILTON**

**BY-LAW NO. 19-**

**To Amend By-law No. 17-225, a By-law to Establish a System of Administrative Penalties**

**WHEREAS** Council enacted a By-law to Establish a System of Administrative Penalties, being By-law No. 17-225; and

**WHEREAS** this By-law amends By-law No. 17-225;

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. The amendments in this By-law include any necessary grammatical, numbering and lettering changes.
2. Schedule A of By-law No.17-225 is amended by adding a new Table 19, titled BY-LAW NO.18-199, being the By-law to Prohibit Driving School Instructing in the Restricted Areas.

<b>ITEM</b>	<b>COLUMN 1 DESIGNATED BY-LAW &amp; SECTION</b>		<b>COLUMN 2 SHORT FORM WORDING</b>	<b>PENALTY AMOUNT Box 1</b>
1	18-199	2.(1)	Driving School Instructor permit/providing lessons within restricted area	\$200.00
2	18-199	2.(2)	Driving School Operator cause/permit driving lessons within restricted areas	\$300.00
3	18-199	2.(3)(c)	Driving School Instructor fail to use most direct route in and out of restricted area	\$200.00

**PASSED** this 12th day of July, 2019.

---

F. Eisenberger  
Mayor

---

J. Pilon  
Acting City Clerk



**Authority:** Item 2, Planning Committee  
Report 19-011 (PED19122)  
CM: July 12, 2019  
Ward: City Wide

**Bill No. 172**

## **CITY OF HAMILTON**

### **BY-LAW NO. 19-**

#### **Being a By-law to Appoint Hearing Officers Pursuant to the Administrative Penalty By-law No. 17-225 and to Repeal By-law No. 15-278**

**WHEREAS** the City of Hamilton is authorized under the *Municipal Act, 2001* to establish a system of administrative penalties for contraventions of City of Hamilton By-laws;

**WHEREAS** the Council of the City of Hamilton ("Council") passed the Administrative Penalty By-law No. 17-225 at its meeting held on November 8, 2017; and

**WHEREAS** Council wishes to appoint certain persons as Hearing Officers pursuant to the Administrative Penalty By-law No. 17-225;

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. The persons listed in Schedule "A" are appointed as Hearing Officers pursuant to Administrative Penalty By-law No. 17-225 from the date that the Hearing Officer's appointment is approved by Council:
  - a) until the term of that Council ends; or
  - b) if the term of that Council ends with no successor having been appointed, until the Hearing Officer's successor has been appointed.
2. Schedule "A" forms part of this By-law.
3. By-law No. 15-278 is hereby repealed.
4. This By-law comes into force on July 12<sup>th</sup>, 2019.

**PASSED** this 12<sup>th</sup> day of July, 2019

---

F. Eisenberger  
Mayor

---

J. Pilon  
Acting City Clerk

**SCHEDULE "A"**  
**HEARING OFFICERS**

<b>HEARING OFFICERS NAME</b>	<b>APPOINTMENT DATE</b>
Robert Craig	July 12 <sup>th</sup> , 2019
Jagger Benham	July 12 <sup>th</sup> , 2019
Diane Hall	July 12 <sup>th</sup> , 2019

**Authority:** Item 3, Planning Committee  
Report 19-011 (PED19144)  
CM: July 12, 2019  
Ward: City Wide  
**Bill No. 173**

**CITY OF HAMILTON**  
**BY-LAW NO. 19-**

**To Amend City of Hamilton By-law No. 10-118, as amended, being a By-law to Regulate Exterior Property Maintenance including Vegetation, Waste and Graffiti**

**WHEREAS** Council enacted a by-law to regulate exterior property maintenance being City of Hamilton By-law No.10-118; and

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. The amendments in this By-law include any necessary grammatical, numbering and lettering changes.
2. Subsection 2(1) is amended by repealing the definition of “inoperative vehicle” and substituting the following:

**“inoperative vehicle”** means a vehicle and a motorized snow vehicle, as those terms are defined in the Highway Traffic Act, that may not be lawfully operated on a highway for any of the following reasons:

- (i) it has missing, broken, incomplete, decayed, or damaged parts or components;  
or
- (ii) it is in a derelict condition;

3. Subsection 2(1) is amended by repealing the definition of “urban boundary” and substituting the following:

**“urban boundary”** means the urban boundary as defined in the City’s Urban Official Plan and the settlement area boundaries of the Rural Settlement Areas of the City as defined in the City’s Rural Official Plan;

**PASSED** this 12th day of July, 2019.

---

F. Eisenberger  
Mayor

---

J. Pilon  
Acting City Clerk

**Authority:** Item 7, Planning Committee  
Report 19-011 (PED19132)  
CM: July 12, 2019  
Ward: 13

**Bill No. 174**

## **CITY OF HAMILTON**

### **BY-LAW NO. 19-**

#### **To Amend Town of Dundas Zoning By-law No. 3581-86 Respecting Lands Located at 574 Northcliffe Avenue, Dundas**

**WHEREAS** the *City of Hamilton Act, 1999*, S. O. 1999 Chap. 14, Sch. C did incorporate, as of January 1, 2001, the municipality “City of Hamilton”;

**WHEREAS** the City of Hamilton is the successor to certain area municipalities, including the former municipality known as “The Corporation of the City of Hamilton” and is the successor to the former regional municipality, namely, “The Regional Municipality of Hamilton –Wentworth”;

**WHEREAS;** the *City of Hamilton Act, 1999* provides that the Zoning By-laws of the former municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

**WHEREAS;** Zoning By-law No. 3581-86 (Dundas) was enacted on the 22<sup>nd</sup> day of May, 1986, and approved by the Ontario Municipal Board on the 10<sup>th</sup> day of May, 1988; and,

**WHEREAS;** the Council of the City of Hamilton, in adopting Item 7 of Report 19-011 of the Planning Committee, at its meeting held on the 12<sup>th</sup> day of July, 2019, recommended that Zoning By-law No. 3581-86 (Dundas) be amended as hereinafter provided; and,

**WHEREAS** this By-law is in conformity with the Dundas Official Plan.

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. That Schedule "F-1" (Guelph) of Zoning By-law No. 3581-86 (Dundas), as amended by By-law No. 4066-93, is hereby further amended by adding the Public and Private Service "H-PPS/S-56a" Zone, Modified, to the lands the extent and boundaries of which are shown on Schedule "A" which forms part of this By-law.
2. That Section 32: "EXCEPTIONS" of Zoning By-law No. 3581-86 (Dundas), as amended by By-law No. 4066-93, is hereby further amended by adding the following exception:

“S-56a”

- i) As permitted under the temporary use provisions of Section 39 of the Planning Act (R.S.O. 1990) for a maximum three year period commencing on the day of the passing of this amending By-law, being the 12<sup>th</sup> day of July, 2019 and expiring on the 12<sup>th</sup> day of July, 2022, on the land shown as "H-PPS/S-056a" on Schedule "F-1" attached hereto, the following use shall be permitted:
- a) Within the existing building municipally known as 574 Northcliffe Avenue (Building 'B'), a dormitory having a maximum capacity of 138 occupants shall be permitted temporarily and only within the building existing on the date of passing of this By-law.
  - b) A Holding Symbol (H) pursuant to Section 36 of the *Planning Act*, R.S.O. 1990, c.P 13 and Subsection 4.9 of By-law No. 3581-86 is applied to the PPS Zone category as it applies to 574 Northcliffe Avenue (Building 'B'). The permitted use in clause a) shall be limited to a maximum capacity of 96 occupants for such time as the Holding Symbol (H) is applicable to 574 Northcliffe Avenue (Building 'B').
  - c) Condition for Holding Provision Removal
    - i) The applicant / proponent shall demonstrate and have attained all of the necessary approvals to provide adequate services to increase the capacity beyond 96 students to accommodate a dormitory having a maximum capacity of 138 occupants to the satisfaction of the Niagara Escarpment Commission, Director, Development Planning and Ministry of Environment, Conservation and Parks.
  - d) Notwithstanding Clause 7.3.1 – ACCESS of SECTION 7 – OFF STREET PARKING AND LOADING an existing driveway located on lands zoned PPS/S-56 and U/S-57 shall be permitted to be used for access to 574 Northcliffe Avenue (Building 'B').

3. This by-law shall expire and cease to be of any force or effect on July 12, 2022.

4. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.

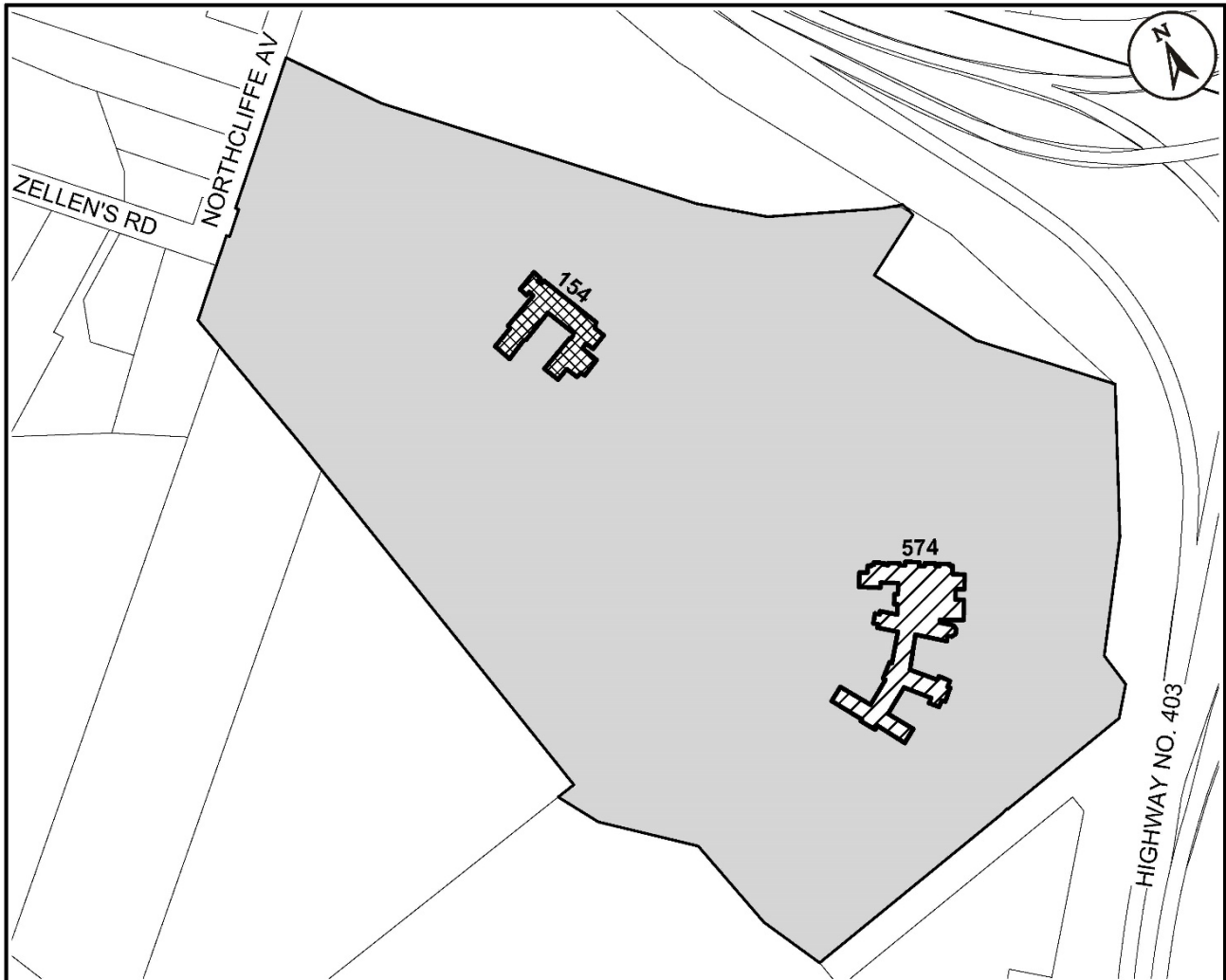
**PASSED** this 12<sup>th</sup> day of July, 2019.

---

F. Eisenberger  
Mayor

---

J. Pilon  
Acting City Clerk



This is Schedule "A" to By-law No. 19-  
 Passed the ..... day of ....., 2019


-----  
 Mayor  
 -----  
 Clerk


**Schedule "A"**

Map Forming Part of  
 By-law No. 19-\_\_\_\_\_


to Amend By-law No. 3581-86


**Subject Property**

 Building "A" - 154 Northcliffe Avenue

 Building "B" - 574 Northcliffe Avenue  
 (Subject to the "Temporary Use By-law")

Change in Zoning from the Public and Private Service "PPS/S-56" Zone, Modified to the Public and Private Service "H-PPS/S-56a" Zone, Modified

 Other Lands Owned by the Applicant

Scale: N.T.S.	File Name/Number: ZAR-19-013	 Hamilton
Date: May 17, 2019	Planner/Technician: RF/NB	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

**Authority:** Item 8, Planning Committee  
Report 19-011 (PED19008(a))  
CM: July 12, 2019  
Ward: City Wide  
**Bill No. 175**

## **CITY OF HAMILTON**

### **BY-LAW NO. 19-**

#### **To Amend By-law No. 07-170, a By-law to License and Regulate Various Businesses**

**WHEREAS** Council enacted a by-law to licence and regulate various businesses being City of Hamilton By-law No. 07-170; and

**WHEREAS** this By-law amends the General Provisions of By-law No. 07-170 and provides for the addition of Schedule 14 to licence Tree Cutting Services.

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. Subsection 2(a) of the General Provisions of By-law No. 07-170 is deleted and the following substituted:
  - (a) Administration of this By-law shall be by the staff of Licencing and By-law Services Division of the Planning and Economic Development Department of the City.
2. Subclause (6)(1)(e)(i) of the General Provisions of By-law No. 07-170 is amended by deleting “(Reserved)” after “Schedule 14” and substituting “Tree Cutting Services”.
3. Section 30 of the General Provisions of By-law No. 07-170 is amended by deleting the word “(Reserved)” after “Schedule 14” and substituting “Tree Cutting Services”.
4. By-law No. 07-170 is amended by adding the new Schedule 14, entitled “Tree Cutting Services” as follows:

#### **SCHEDULE 14**

#### **TREE CUTTING SERVICES**

##### **Definitions**

- 1 In this Schedule,

**"tree"** means a self-supporting woody perennial plant which has reached or can reach a height of at least 3 metres at physiological maturity;

**"tree cutting service"** means a person engaged in the business of assessing the health and structural integrity of trees, removing trees, pruning tree branches or roots, removing stumps, or transplanting trees, including climbing aloft and using rigging equipment for any such purpose.

### **Requirement for Licence**

2 No person shall carry on the business, trade or occupation of a tree cutting service without a licence.

### **General Operating Conditions**

3 Every tree cutting service shall:

- (a) ensure that a policy of commercial general liability insurance, including coverage for bodily injury and property damage resulting from any work performed, with an inclusive limit of at least two million dollars (\$2,000,000) per claim or occurrence, is in force at all times during the currency of the licence and includes coverage for all the tradespersons and labourers employed or retained by the tree cutting service;
- (b) provide a written contract to the person for whom the work is being completed, which contract shall be signed by the licensee and shall contain:
  - (i) the name and address of the licensee and the person for whom the work is being done;
  - (ii) the address where the work is to be done;
  - (iii) a description of the work to be completed and price; and
  - (iv) the estimated date of completion;



- (c) not permit the operation of any equipment used in the course of the tree cutting service between the hours of 7:00 p.m. and 7:00 a.m. of the following day that is likely to disturb those inhabiting neighbouring properties;
- (d) ensure that no vehicle used in the performance of work obstructs the municipal right of way;
- (e) ensure that all debris, mud, garbage or stone tracked onto a municipal right of way is removed at the end of each working day;
- (f) ensure that no work performed creates a public safety concern;
- (g) ensure that no work performed interferes with any property's drainage or creates any flooding or ponding on any property including a municipal right of way;
- (h) not permit the emission of dust or airborne particulate matter to reduce the enjoyment of a neighbouring property;
- (i) replace any damaged sod, ground cover, pavement, or other property of the City within 48 hours of the completion of the work; and
- (j) obtain proper permits (if required) to ensure that cutting is done in accordance with approved tree protection plan which may be prepared by an arborist among other professionals.

#### **Compliance with Tree By-laws**

4 (1) Every tree cutting service shall comply with all applicable by-laws relating to trees, which may include:

- (a) Public Tree Protection By-law No. 15-125;
- (b) Urban Woodland By-law No. 14-212;
- (c) Former Regional Municipality of Hamilton-Wentworth Woodland Conservation By-law No. R00-054;

- (d) Former Town of Dundas Tree Protection By-law No. 4513-99;
- (e) Former City of Stoney Creek Tree By-law No. 4401-96; and
- (f) Former Town of Ancaster Tree Protection By-law No. 2000-118.

(2) Prior to injuring or destroying any tree, every tree cutting service shall ensure:

- (a) that a permit has been obtained to injure or destroy trees, if required by by-law;  
or
- (b) if no permit is required by by-law, that the injury or destruction of trees is performed in accordance with any applicable restrictions or conditions on the injury or destruction of trees such as an approved tree protection plan imposed as a condition of development approval.

### **Penalties**

5 (1) Despite subsection 27(2) of the General Provisions of this By-law, every person other than a corporation who contravenes any provision of this Schedule or an order made under this By-law relating to this Schedule is guilty of an offence and on conviction is liable to a maximum fine of:

- (a) for first offence, \$10,000 or \$1,000 per tree injured or destroyed, whichever is greater; or
- (b) for a subsequent offence, \$25,000 or \$2,500 per tree injured or destroyed, whichever is greater.

(2) Subsection (1) applies to any officer or director who knowingly concurs in a contravention of this Schedule or an order made under this By-law relating to this Schedule.

(3) Despite subsection 27(3) of the General Provisions of this By-law, every corporation who contravenes any provision of this Schedule or an order made under this

By-law relating to this Schedule is guilty of an offence and on conviction is liable to a maximum fine of:

- (a) for first offence, \$50,000 or \$5,000 per tree injured or destroyed, whichever is greater; or
- (b) for a subsequent offence, \$100,000 or \$10,000 per tree injured or destroyed, whichever is greater.

(4) In addition, if any person convicted of an offence under this Schedule has gained economic advantage from the contravention of the Schedule, they are liable to a special fine, which may exceed \$100,000 equal to the economic advantage gained.

6 This By-law comes into force on the day it is passed.

**PASSED** this 12th day of July, 2019.

---

F. Eisenberger  
Mayor

---

J. Pilon  
Acting City Clerk

**Authority:** Item 12, Committee of the Whole  
Report 01-033 (PD01184)  
CM: October 16, 2001  
Ward: 9

**Bill No. 176**

## **CITY OF HAMILTON**

### **BY-LAW NO. 19-**

#### **Respecting Removal of Part Lot Control on Part of Block 96 Registered Plan of Subdivision 62M-1250 and Block 1 and Block 4 on Registered Plan of Subdivision 62M-1263 - Central Park – Madison, 1831 Rymal Road East**

**WHEREAS** the sub-section 50(5) of the *Planning Act*, (R.S.O. 1990, Chapter P.13, as amended, establishes part-lot control on land within registered plans of subdivision;

**AND WHEREAS** sub-section 50(7) of the *Planning Act*, provides as follows:

“(7) **Designation of lands not subject to part lot control.** -- Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law.”

**AND WHEREAS** the Council of the City of Hamilton is desirous of enacting such a by-law with respect to the lands hereinafter described;

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. Sub-section 5 of Section 50 of the *Planning Act*, for the purpose of creating 135 parcels of tied land for townhouse and maisonette units, 36 easements for maintenance and access purposes and 4 parts comprising of a common element roadway, landscaped area and visitor parking on Parts 1 to 192 inclusive on Registered Plan 62R-21224, shall not apply to the portion of the registered plan of subdivision that is designated as follows, namely:

Part of Block 96, Registered Plan No. 62M-1250, in the City of Hamilton; and,  
Block 1 and Block 4, Registered Plan No. 62M-1263 in the City of Hamilton

2. This by-law shall be registered on title to the said designated land and shall come into force and effect on the date of such registration.

Respecting Removal of Part Lot Control on Part of Block 96 Registered Plan of Subdivision 62M-1250 and  
Block 1 and Block 4 on Registered Plan of Subdivision 62M-1263 - Central Park – Madison, 1831 Rymal  
Road East

Page 2 of 2

3. This by-law shall expire and cease to be of any force or effect on the 12<sup>th</sup> day of July,  
2021.

**PASSED** this 12<sup>th</sup> day of July, 2019.

---

F. Eisenberger  
Mayor

PLC-19-010

---

J. Pilon  
Acting City Clerk

**Authority:** Item 12, Committee of the Whole  
Report 01-033 (PD01184)  
CM: October 16, 2001  
Ward: 9

**Bill No. 177**

## **CITY OF HAMILTON**

### **BY-LAW NO. 19-**

#### **Respecting Removal of Part Lot Control on Part of Block 96 on Registered Plan of Subdivision 62M-1250 - Central Park – Madison, 1831 Rymal Road East**

**WHEREAS** the sub-section 50(5) of the Planning Act, (R.S.O. 1990, Chapter P.13, as amended, establishes part-lot control on land within registered plans of subdivision;

**AND WHEREAS** sub-section 50(7) of the Planning Act, provides as follows:

“(7) **Designation of lands not subject to part lot control.** -- Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law.”

**AND WHEREAS** the Council of the City of Hamilton is desirous of enacting such a by-law with respect to the lands hereinafter described;

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. Sub-section 5 of Section 50 of the Planning Act, for the purpose of creating 188 parcels of tied land for townhouse and maisonette units, 57 easements for maintenance and access purposes and 1 part comprising of a common element roadway, landscaped area and visitor parking, as shown on Parts 1 to 246 inclusive on deposited Reference Plan 62R-21223, shall not apply to the portion of the registered plan of subdivision that is designated as follows, namely:

Part of Block 96, Registered Plan No. 62M-1250, in the City of Hamilton

2. This by-law shall be registered on title to the said designated land and shall come into force and effect on the date of such registration.

3. This by-law shall expire and cease to be of any force or effect on the 12<sup>th</sup> day of July, 2021.

**PASSED** this 12<sup>th</sup> day of July, 2019.

---

F. Eisenberger  
Mayor

PLC-19-009

---

J. Pilon  
Acting City Clerk

**Authority:** Item 9, Public Works Committee  
Report 07-016 (PW07153)  
CM: December 12, 2007  
Ward: 1, 9, 11, 13  
**Bill No. 178**

## **CITY OF HAMILTON**

### **BY-LAW NO. 19-**

#### **To Amend By-law No. 01-215 Being a By-law to Regulate Traffic**

**WHEREAS** sections 8, 9 and 10 of the Municipal Act, 2001, S.O. 2001, c. 25, authorize the City of Hamilton to pass by-laws as necessary or desirable for the public and municipal purposes, and in particular paragraphs 4 through 8 of subsection 10(2) authorize by-laws respecting: assets of the municipality, the economic, social and environmental well-being of the municipality; health, safety and well-being of persons; the provision of any service or thing that it considers necessary or desirable for the public; and the protection of persons and property;

**AND WHEREAS** on the 18<sup>th</sup> day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-215 to regulate traffic;

**AND WHEREAS** it is necessary to amend By-law No. 01-215.

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. Schedule 2 (Speed Limits) of By-law No. 01-215, as amended, is hereby further amended by removing from Section "D" (Glanbrook) thereof the following items, namely:

English Church Road	Upper James Street	A point 680 m east of Upper James Street	60
English Church Road	A point 680 m east of Upper James Street	Easterly end	70
Hall Road	Trinity Church Road	Woodburn Road	80

And by adding to section "D" (Glanbrook) thereof the following items, namely;



To Amend By-law No. 01-215  
Being a By-law to Regulate Traffic

Page 2 of 3  
60

English Church Road	Upper James Street	Easterly end	60
Hall Road	Trinity Church Road	Regional Road 56	60
Hall Road	Regional Road 56	Woodburn Road	80

And by removing from section “D” (Glanbrook) thereof the following items, namely;

Dundurn Ave.	Aberdeen Ave.	Charlton Ave.	40 km/h
Dundurn Street	Aberdeen Avenue	Southerly Limit	40

And by adding to section “E” (Hamilton) thereof the following item, namely;

Dundurn Street	York Boulevard	Southerly Limit	40
----------------	----------------	-----------------	----

And by adding to section “F” (Stoney Creek) thereof the following item, namely;

Bellagio Avenue	Fletcher Road	Keystone Crescent	40
-----------------	---------------	-------------------	----

And by removing from section “G” (Former Regional Roads) thereof the following items, namely;

Highway 20	First Road East	Green Mountain Road	60
Highway 20	Green Mountain Road	450 m south of King Street	70
York Road	655 m east of Valley Road	280 m north of Hopkins Court	70

And by adding to section “G” (Former Regional Roads) thereof the following items, namely;

Highway 20	First Road East	Highland Road	60
------------	-----------------	---------------	----

To Amend By-law No. 01-215  
Being a By-law to Regulate Traffic

Page 3 of 3

Highway 20	Highland Road	450 m south of King Street	70
York Road	655 m east of Valley Road	280 m north of Hopkins Court	60

2. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-215, including all Schedules thereto, as amended, is hereby confirmed unchanged.
3. This By-law shall come into force and take effect on the date of its passing and enactment.

**PASSED** this 12<sup>th</sup> day of July, 2019.

---

F. Eisenberger  
Mayor

---

J. Pilon  
Acting City Clerk

**Authority:** Item 1, Public Works Committee  
Report 19-010 (PW19001(c))  
CM: July 12, 2019  
Ward: 1, 3, 8, 13, 14  
**Bill No. 179**

**CITY OF HAMILTON**

**BY-LAW NO. 19-**

**To Amend By-law No. 01-215  
Being a By-law To Regulate Traffic**

**WHEREAS** sections 8, 9 and 10 of the Municipal Act, 2001, S.O. 2001, c. 25, authorize the City of Hamilton to pass by-laws as necessary or desirable for the public and municipal purposes, and in particular paragraphs 4 through 8 of subsection 10(2) authorize by-laws respecting: assets of the municipality, the economic, social and environmental well-being of the municipality; health, safety and well-being of persons; the provision of any service or thing that it considers necessary or desirable for the public; and the protection of persons and property;

**AND WHEREAS** on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-215 to regulate traffic;

**AND WHEREAS** it is necessary to amend By-law No. 01-215.

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. Schedule 5 (Stop Control) of By-law No. 01-215, as amended, is hereby further amended by adding to Section "B" (Dundas) thereof the following items,

Brock Road	Southbound	Highway 8
Highway 8	Eastbound/Northbound	Brock Road

And by removing from Section "E" (Hamilton) thereof the following item, namely;

Golfwood Drive	Northbound / Southbound	Atkins Drive
----------------	-------------------------	--------------

To Amend By-law No. 01-215  
Being a By-law to Regulate Traffic

Page 2 of 2

And by adding to Section “E” (Hamilton) thereof the following items, namely;

Gary Avenue	Northbound / Southbound	Westwood Avenue
Campbell Avenue	Eastbound / Westbound	Kensington Avenue
McElroy Road East	Eastbound / Westbound	Terrace Drive
McElroy Road East	Eastbound / Westbound	Warren Avenue
South Bend Road East	Eastbound / Westbound	Warren Avenue
South Bend Road East	Eastbound / Westbound	Dodson Street

2. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-215, including all Schedules thereto, as amended, is hereby confirmed unchanged.
3. This By-law shall come into force and take effect on the date of its passing and enactment.

**PASSED** this 12<sup>th</sup> day of July, 2019.

---

F. Eisenberger  
Mayor

---

J. Pilon  
Acting City Clerk

## **CITY OF HAMILTON**

### **BY-LAW NO. 19-**

#### **To appoint the City Auditor as an Auditor General under Section 223.19 of the *Municipal Act, 2001***

**WHEREAS** Council wishes to appoint the City Auditor as an Auditor General under section 223.19 of the Municipal Act, with the responsibilities, including the powers, duties and protections, under Sections 223.19 to 223.23 of the Municipal Act;

**AND WHEREAS** sections 223.19 to 223.23 of the Municipal Act provide that an appointee under section 223.19 has certain powers, duties and protections, including: the powers to access information and to examine persons under section 33 of the *Public Inquiries Act, 2009*; the duty to preserve secrecy with respect to all matters that come to their knowledge in the course of performing their functions; and the protection of not being a competent or compellable witness in a civil proceeding;

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

#### **Definitions**

1. In this By-law:

“**Council**” means the City of Hamilton’s Council;

“**City Auditor**” means the City of Hamilton’s City Auditor or their successor;

“**Municipal Act**” means the *Municipal Act, 2001*;

#### **Appointment**

2. Council appoints the individual holding the position of City Auditor as an Auditor General under section 223.19 of the Municipal Act, with the responsibilities, including the powers, duties and protections, under sections 223.19 to 223.23 of the Municipal Act.
3. The position of City Auditor shall continue with the title of City Auditor and all references to an Auditor General under sections 223.19 to 223.23 of the Municipal Act shall be deemed to be references to the City Auditor.
4. The City Auditor shall act in accordance with the Office of the City Auditor Charter, as approved by Council from time to time, with necessary modifications when a responsibility, including a power, duty or protection, under sections 223.19 to 223.23 of the Municipal Act is exercised.

### **General Provisions**

5. This By-law may be referred to as the City Auditor By-law.
6. This By-law comes into force on the day it is passed.

**PASSED** this 12<sup>th</sup> day of July, 2019.

---

F. Eisenberger  
Mayor

---

J. Pilon  
Acting City Clerk

**Authority:** Item 6, Audit and Administration  
Committee  
Report 19-010 (AUD19011)  
CM: July 12, 2009

**Bill No.**

## **CITY OF HAMILTON**

### **BY-LAW NO. 19-**

### **WHISTLEBLOWER BY-LAW**

**WHEREAS** Council of the City of Hamilton desires to put into place a mechanism whereby, under appropriate circumstances, employees who disclose serious wrongdoing regarding City operations are protected from reprisal and whereby, under appropriate circumstances, investigations or alternative actions are undertaken in response to such disclosures;

**AND WHEREAS** sections 8, 9 and 10 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, authorize the City of Hamilton to pass by-laws necessary or desirable for municipal purposes and, in particular, paragraphs 2, 3, 4, 5 and 8 of subsection 10(2) authorize by-laws respecting the accountability and transparency of the City and its operations, the financial management of the City, the public assets of the City, the economic, the social and environmental well-being of the City, and the protection of persons and property;

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

#### **PURPOSE AND SCOPE**

1. This By-law recognizes that it is in the public interest to maintain and enhance public confidence in the City and its employees, by providing for:
  - (a) the disclosure of serious wrongdoing with respect to the City's operations by its employees;
  - (b) the protection from reprisals of employees for making disclosures of serious wrongdoing when such disclosures are qualifying disclosures, including prescribing the conduct of employees with supervisory or management responsibilities and members of Council with respect to the provision of protection from reprisals; and

- (c) the appropriate investigation or alternative action in response to disclosures of serious wrongdoing is undertaken including prescribing the conduct of employees and members of Council with respect to the investigation of such disclosures.
2. The City Auditor is responsible for determining if disclosures of serious wrongdoing are qualifying disclosures and for ensuring that the appropriate investigation or alternative action in response to disclosures of serious wrongdoing is undertaken in accordance with this By-law.
3. All employees with supervisory or management responsibilities and who know of reprisals are responsible for ensuring that employees are protected from reprisals in accordance with this By-law.
4. This By-law is deemed to be a procedure, rule or policy governing the ethical behaviour of members of Council for the purposes of the Integrity Commissioner By-law.

## **DEFINITIONS**

5. In this By-law:

“City” means the municipality of the City of Hamilton;

“City Manager” means the City’s City Manager;

“Council” means the Council of the City;

“City Auditor” means the City’s City Auditor or his/her designate;

“employee” means an employee of the City and excludes the Mayor and Members of Council;

“good faith” means an act which is not done trivially, frivolously or for a vexatious purpose, and this definition shall be considered in determining what is bad faith under this By-law;

“reprisal” means any of the following measures taken against an employee because the employee has made a qualifying disclosure:

- (a) the dismissal, suspension, demotion, discipline, harassment of an employee;
- (b) the denial of a benefit of employment to an employee;



- (c) any other disadvantaging of an employee;
- (d) or the threat to take any of the measure in paragraphs (a) to (c) inclusive;

“serious wrongdoing” means:

- (a) a contravention of the Criminal Code, federal or provincial statute or regulation, or City by-law;
- (b) an act or omission that results or is likely to result in the misappropriation or misuse of City funds or assets;
- (c) a contravention of the City’s Code of Conduct for Employees that results or is likely to result in profit, payment or compensation to the employee(s);
- (d) an act or omission that creates or is likely to create a substantial and specific danger or harm to the life, health or safety of any person; or
- (e) an act or omission that creates or is likely to create a substantial and specific danger or harm to the environment; or
- (f) a reprisal; and

“supervisor/manager” means:

- (a) the supervisor or manager to whom an employee normally reports; or
- (b) in the case of a disclosure of serious wrongdoing involving the supervisor or manager to whom an employee normally reports, the next-above supervisor or manager in the employee’s chain of command.

## **PROTECTION FROM REPRISAL**

### **Requirements with respect to a Qualifying Disclosure**

6. The City Auditor shall in his/her sole discretion determine whether or not a disclosure of serious wrongdoing made by an employee satisfies subsections (a) to (d) inclusive and when he/she determines that the subsections have been satisfied, the disclosure of serious wrongdoing is deemed a “qualifying disclosure” for the purposes of this By-law:
  - (a) the employee making the disclosure of serious wrongdoing identifies himself/herself and his/her position with the City or his/her work title;

- (b) the employee making the disclosure of serious wrongdoing has reasonable grounds to believe there has been or is about to occur serious wrongdoing by one or more employees or members of Council;
- (c) the employee making the disclosure of serious wrongdoing does so in good faith;
- (d) the employee's disclosure of serious wrongdoing is made to one of the following:
  - his/her supervisor/manager;
  - the head of his/her Department including the head's designate; or
  - the City Auditor,
  - the City of Hamilton's Fraud and Waste Hotline,

provided that, if the supervisor/manager or the head of Department including the head's designate receives the disclosure of serious wrongdoing then such supervisor/manager or head of Department including designate shall submit the disclosure of serious wrongdoing immediately to the City Auditor.

7. The City Auditor shall send a written notice of his/her receipt of a disclosure of serious wrongdoing to the employee who made such disclosure.

### **Obligations with respect to a Reprisal**

8. Every employee or member of Council with supervisory or management responsibilities has a positive obligation to ensure that:
  - (a) an employee is not subjected to a reprisal; and
  - (b) employees under his/her direction are made aware of this By-law.
9. An employee who believes he/she has been subjected to a reprisal may make a disclosure of serious wrongdoing section 6.
10. Nothing in this By-law impairs any right of an employee either at law or under any term or condition of employment or any applicable collective agreement(s).
11. The provisions of this By-law for the protection of employees are in addition to whistleblower or non-reprisal protection in any federal or provincial statute or regulation, and the provisions of this By-law shall not be construed as limiting such protections.

**INVESTIGATION OR ALTERNATIVE ACTION IN RESPONSE TO A DISCLOSURE OF SERIOUS WRONGDOING**

- 12.(1) At any time after a disclosure of serious wrongdoing is made, the City Auditor shall in his/her sole discretion determine whether or not it is appropriate for him/her to undertake an investigation or alternative action with respect to such disclosure.
- (2) In making his/her determination under subsection (1), the City Auditor shall consider, among other things:
- (a) the length of time that has elapsed since date when the subject-matter of the disclosure of serious wrongdoing is such that undertaking an investigation or alternative action would serve no useful purpose;
  - (b) whether or not undertaking an investigation or alternative action is appropriate given the extent to which any investigation or alternative action can be or has been undertaken by other duly authorized individuals or entities, for example by:
    - the police under the Criminal Code;
    - the Integrity Commissioner under the Integrity Commissioner By-law;  
or
    - supervisory or management staff under City policies or procedures.
13. At any time when the City Auditor is of the opinion that an investigation or alternative action addressing a disclosure of serious wrongdoing can be or has been undertaken by other duly authorized individuals or entities, he/she shall immediately take such steps as are within his/her authority and practicable to:
- (a) refer the disclosure of serious wrongdoing to the individual or entity responsible for such an investigation or alternative action;
  - (b) conduct his/her investigation or alternative action, if any, so as not to interfere with an investigation or alternative action undertaken by the other individual or entity.
- 14.(1) When the City Auditor determines under subsection 12(1) that it is appropriate for him/her to undertake an investigation, the City Auditor may conduct the investigation or may:
- (a) appoint another employee; or

- (b) in consultation with the City Manager, appoint an outside individual or entity, to conduct all or part of the investigation.
- (2) The City Auditor shall take all reasonable steps to ensure that:
- (a) an investigation under subsection (1) complies with City policies, procedures and other requirements;
  - (b) the City's financial interests are protected including that the costs and expenses of such an investigation are minimized without hampering the ability of the City Auditor or an appointee under subsection (1) from completing his/her investigation; and
  - (c) the City's internal resources, including but not limited to, the Office of the City Auditor, Legal Services and Risk Management, and Human Resources, are used.
- (3) The City Auditor is entitled to investigate, or authorize an investigation by an appointee under subsection (1) into:
- (a) any further serious wrongdoing as disclosed by an investigation under this By-law; or
  - (b) an act prohibited under subsection 15(3).
- 15.(1) Persons, including employees or members of Council, shall co-operate in any investigations or alternative actions under this By-law, and no person shall obstruct or interfere with the City Auditor or an appointee under subsection 14(1) or a person acting on behalf of or under the direction of him/her in his/her investigation or in the performance of any of his/her responsibilities under this By-law.
- (2) Notwithstanding section 6, an employee who has made a qualifying disclosure is not entitled to protection from discipline, up to and including dismissal, if he/she does not comply with subsection (1).
- (3) No person advised of an investigation under this By-law and knowing that a City document or thing is likely to be relevant to such an investigation shall:
- (a) destroy, conceal, mutilate, falsify or otherwise alter the document or thing; or
  - (b) advise, instruct, propose or direct in any manner, any person to do anything mentioned in paragraph (a).
- 16.(1) Upon the completion of an investigation under this By-law, the City Auditor shall

make a report to the appropriate individual or entity as determined in the sole discretion of the City Auditor and such report shall include what steps, if any, are to be undertaken in response to a report.

- (2) A report made under subsection (1) which is made to a Committee of Council or Council, shall be submitted in accordance with the *Municipal Act, 2001*, the *Municipal Freedom of Information and Protection of Privacy Act* and the City's Procedural By-law.

## **COMPLIANCE**

- 17.(1) Any employee who fails to comply with this By-law may be disciplined, up to and including dismissal.
- (2) The failure of a member of Council to comply with this By-law may result in a complaint, inquiry and penalty under Integrity Commissioner By-law.

## **LIMITATIONS ON THE APPLICATION OF THIS BY-LAW**

- 18.(1) Nothing in this By-law is intended to limit the responsibilities of employees to continue to carry out their job duties, including responsibilities to make reports to their appropriate supervisors or managers, or to take appropriate action within the scope of their job to prevent wrongdoing or the harm which may arise from such wrongdoing.
- (2) Nothing in this By-law is intended to limit the actions which may be taken by the City or the consequences for an employee when an employee has acted contrary to their job duties, in a negligent, dishonest, or vexatious manner, or contrary to this By-law.
- (3) Nothing in the By-law is intended to permit employees to disregard their obligations to comply with any other by-law, statute or regulation, including the *Municipal Freedom of Information and Protection of Privacy Act* or any other statute or regulation governing the access to or privacy of information;
- (4) Nothing in this By-law restricts the City from utilizing the rights and powers available to under the *Municipal Act, 2001* or other laws, or from conducting, participating in, or calling for such other investigations or inquiries as allowed by law and considered advisable by the City.

## **ADMINISTRATION**

19. The City Auditor is responsible for:
  - (a) administering this By-law, including but not limited to, implementing such forms and procedures as required for the proper administration of this By-

law;

- (b) reporting to Council quarterly, in the aggregate, on the number, nature and outcome of disclosures of serious wrongdoing made under this By-law; and
  - (c) declaring any conflict of interest he/she has arising from a disclosure of serious wrongdoing or from any investigation or alternative action undertaken under this By-law, to the City Manager so that his/her obligations may be re-assigned by the City Manager.
20. The exercise of the City Auditor's authority and discretion under this By-law includes, but is not limited to, withholding, collecting, using, or disclosing information which may reveal the identity of the employee making a disclosure of serious wrongdoing as is necessary to protect the City's interests and to avoid or limit harm to the City, the public or the employee.

### **CONFLICT AND COMING INTO FORCE**

21. In the event of a conflict between this By-law and any other by-law (except the Integrity Commissioner By-law), procedure, rule or policy, this By-law prevails.
22. This By-law comes into force on July 12, 2019.

**PASSED** this 12<sup>th</sup> day of July, 2019.

---

F. Eisenberger  
Mayor

---

J. Pilon  
Acting City Clerk

**CITY OF HAMILTON**

**BY-LAW NO. 19-**

**To Appoint a Deputy City Clerk  
for the City of Hamilton**

**WHEREAS** subsection 228(2) of the *Municipal Act, 2001* permits a municipality to appoint deputy clerks who have all the powers and duties of the clerk under the said Act and any other Act.

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. Janet Pilon is hereby appointed as Deputy City Clerk for the City of Hamilton and shall have all the powers and duties of the City Clerk, subject to the direction of the City Clerk, with respect to the times and the manner in which the said powers and duties shall be exercised.
2. This By-law is deemed to have come into force on August 6, 2019.

**PASSED** this 12<sup>th</sup> day of July, 2019.

---

Fred Eisenberger  
Mayor

---

Janet Pilon  
Acting City Clerk

**Authority:** Item 14, Committee of the Whole  
Report 01-003 (FCS01007)  
CM: February 6, 2001  
Ward: 2

**Bill No. 184**

## CITY OF HAMILTON

### BY-LAW NO. 19-

#### To Amend By-law No. 01-218, as amended, Being a By-law To Regulate On-Street Parking

**WHEREAS** *Section 11(1)1 of the Municipal Act, S.O. 2001, Chapter 25*, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating parking and traffic on highways subject to the *Highway Traffic Act*,

**AND WHEREAS** on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-218 to regulate on-street parking;

**AND WHEREAS** it is necessary to amend By-law No. 01-218, as amended.

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. By-law No. 01-218, as amended, is hereby further amended by adding/deleting from the identified Schedules and Sections noted in the table below as follows:

Schedule	Section	Highway	Side	Location	Times	Adding/ Deleting
13 – No Stopping	<i>E</i>	<b>Queen St. S.</b>	West	King St. to George St.	4:00 p.m. to 6:00 p.m. Monday to Friday	Adding



To Amend By-law No. 01-218, as amended,  
Being a By-law to Regulate On-Street Parking

Page 2 of 2

2. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-218, including all Schedules thereto, as amended, is hereby confirmed unchanged.
  
3. This By-law shall come into force and take effect on the date of its passing and enactment.

**PASSED** this 12<sup>th</sup> day of July, 2019.

---

F. Eisenberger  
Mayor

---

J. Pilon  
Acting City Clerk